

# BERKSHIRE SOUTH REGIONAL COMMUNITY CENTER

November 14, 2012

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

RECEIVED  
TOWN MANAGER  
NOV 16 2012  
BOARD OF SELECTMEN  
GREAT BARRINGTON, MA

Dear Selectmen,

I am writing to request permission to utilize the Housatonic Community Center as the start and finish point for our upcoming Berkshire South Fitness 5K Run/Walk on Sunday, April 7<sup>th</sup>. The event is rain or shine.

We respectfully request inside use of the building for registration, along with access to the restrooms. Set-up would start at 7am, with registration beginning at 8:30am, and the race would begin at 9:30am. We plan to complete the event and remove all of our items by 11:30am.

As for the running route, we were planning on turning left onto Pleasant Street, and then a right onto Front Street, turning into Van Deusenville Rd. for 1.6 miles, and then returning on the same route. This is the first year we'll be holding this event, and we're hoping to have 75-100 people in attendance. We will have plenty of volunteers on-hand to help at the event.

It was explained to us that there would be a meeting with the design review team to look over details, and that a certificate of insurance for the event would need to be submitted, if the venue was approved.

Thank you so much for your consideration.

Sincerely,

Lauren Pellegrino  
Fitness & Wellness Manager

Jenise Lucey  
Executive Director

*DPT Review*  
*"OK"*  
*Police for*  
*traffic officers,*  
*DPW for Housy*  
*Dome, BOS*  
*for use of*  
*town roads.*  
*CR*

**2013 License Renewals (12/10/12)**

**Common Victaller Restaurant-All Alcoholic \*\***

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

**\*\* Businesses subject to Fire/Building Inspection to be done by 12/31/12**

**Common Victaller Restaurant-Wine and Malt \*\***

1. Ena Café
2. Barrington Brewery & Restaurant
3. Great Barrington Pizza House, Inc.
4. The Neighborhood Diner
5. Baba Louie's Organic Sourdough Pizza, Co.
6. Siam Square Fine Thai Cuisine
7. Bizalton's Fine Food, Ltd
8. Naji's
9. The Manhattan Pizza Company

**Common Victaller Wine and Malt Without Food \*\***

1. Mahaiwe Performing Arts Center

**Package Store-All Alcoholic**

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

**Package Store-Wine and Malt**

1. Locke, Stock and Barrel

**\*\* Businesses subject to Fire/Building Inspection to be done by 12/31/12**

**Club-All Alcoholic \*\***

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

**Common Victualer**

- |   |  |
|---|--|
| 1. The East                               | 7 days a week, 10 AM-11:30 PM                            |
| 2. SoCo Creamery                          | 7 days a week, 9 AM-11 PM                                |
| 3. Thornewood Inn                         | 7 days a week, 7 AM- Midnight                            |
| 4. Taft Farms Inc.                        | 7 days a week, 8 AM-6 PM                                 |
| 5. James A. Modolo VFW Post #8348, Inc.   | Mon-Fri 2:30 PM-Midnight, Sat & Sun 12 PM- Midnight      |
| 6. Risingdale Café                        | 7 days a week, 11 AM-1 AM                                |
| 7. Bogie's                                | 7 days a week, 8 AM-2 AM                                 |
| 8. Barrington Brewery & Restaurant        | 7 days a week, 11:30 AM-2 AM                             |
| 9. Adams-Budz Post Home Inc.              | 7 days a week, 12 PM- 2 AM                               |
| 10. Crissey Farm Catering, Inc.           | 7 days a week, 11 AM- Midnight                           |
| 11. Big Y World Class Market              | Mon-Thurs, Sat & Sun 7 AM-9 PM, Fri 7 AM-10 PM           |
| 12. The Well                              | 7 days a week, 12 PM-10 PM <b>*outside seating for 4</b> |
| 13. Aegean Breeze                         | 7 days a week, 11 AM- 10 PM                              |
| 14. Convenience Plus #10 (O'Connell Oil)  | Sun 6 AM-11 PM, Mon-Sat 5 AM-11 PM                       |
| 15. Fairview Hospital                     | 7 days a week, 6:30 AM-6:30 PM                           |
| 16. Cumberland Farms                      | 7 days a week, 24 hours a day                            |
| 17. Ena Café                              | 7 days a week, 7 AM-9 PM                                 |
| 18. Xicohtencatl Mexican Restaurant, Inc. | 7 days a week, 11 AM- Midnight                           |
| 19. i.e. Inc. (Butternut)                 | 7 days a week, 8 AM-8 PM                                 |
| 20. Great Barrington Pizza House          | 7 days a week, 10 AM-10 PM                               |
| 21. Berkshire Co-op Market                | Mon-Sat 8 AM-8 PM, Sun 10 AM-6 PM                        |

**Days & Hours of Operation:**

**\*\* Businesses subject to Fire/Building Inspection to be done by 12/31/12**

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

- |     |                                 |  |
|-----|---------------------------------|--|
| 48. | Subway                          | 7 days a week, 7 AM-10 PM  |
| 49. | Taqueria Azteca                 | 7 days a week, 11 AM- 10 PM  |
| 50. | Wyantenuck Country Club         | 7 days a week, 11 AM-8 PM  |
| 51. | McDonald's                      | 7 days a week, 24 hours a day  |
| 52. | Gotham and Norton, Inc.         | Monday- Saturday, 8 AM-6 PM  |
| 53. | The Coffee Shop                 | 7 days a week, 7 AM-7 PM   |
| 54. | Riverbend Café                  | 7 days a week, 7 AM-5 PM   |
| 55. | Shiro Restaurant                | 7 days a week, 10:30 AM-10:30 PM                                       |
| 56. | Manhattan Pizza                 | 7 days a week, 11 AM-10 PM   |
| 57. | Dunkin Donuts                   | 7 days a week, 5 AM-11 PM  |
| 58. | Gypsy Joynt                     | Wed- Mon, 8 AM-2 AM *outside seating for 8                             |
| 59. | Home Sweet Home Doughnut Shoppe | Mon-Fri 6:30 AM-3 PM, Sat & Sun 7AM-3 PM                               |
|     |                                 | <b>* outside seating</b>   |
| 60. | Brickhouse Pub Inc.             | Mon-Fri 4 PM- 1 AM, Sat & Sun 11:30 AM- 1 AM                           |
| 61. | LaFiesta Tex-Mex                | 7 days a week, 11 AM-11 PM   |
| 62. | Bruno's Dog House               | 7 days a week, 11 AM-10 PM   |
| 63. | The Meat Market                 | 7 days a week, 10 AM-10 PM *outside seating for 36                     |
| 64. | Fiori                           | Mon- Fri 5 PM-2 AM, Sat & Sun 11 AM- 2 AM                              |
| 65. | Smitty's Sandwich Shop          | 7 days a week, 7 AM-10 PM  |
| 66. | Froyoworld                      | 7 days a week, 11 AM-Midnight *outside seating for 4                   |
| 67. | Denny's Den                     | Mon-Th 6 PM-10 PM, Fri 5 PM- 11 PM, Sat 8:30 AM- 11 PM, Sun 1 PM- 8 PM |
| 68. | Bell & Anchor                   | 7 days a week, 7 AM- 2 AM  |

**Innholder's**

1. Monument Mountain Motel
2. Lantern House Motel
3. Windflower Inn
4. Wind in the Pines

5. Days Inn
6. Travelodge
7. Holiday Inn Express
8. Comfort Inn and Suites
9. Briarcliff Inn
10. Mountain View Motel

**Lodging House**

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

**Amusement**

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

**Bowling Alley**

1. Cove Bowling and Entertainment, Inc.

**Motion Picture**

1. Mahaiwe Performing Arts Center
2. Triplex Cinema

**Class II Auto**

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

**Class III Auto**

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



## Entertainment Licenses 2013

### Weekday Licenses:

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

- 20. Crissey Farm Catering, Inc.
- 21. 20 Railroad

Mon-Fri: 8 AM-Midnight, Sat: 8 AM- 11:59 PM  
 Mon-Fri: 5 PM- 1 AM, Sat: 5 PM- 11:59 PM

**(Only per approved floor plan)**

- 22. Fiori
- 23. LaFiesta Tex-Mex
- 24. The Brickhouse

Mon-Fri: 5 PM- 2 AM; Sat: 11 AM-11:59 PM  
 Mon-Fri: 11 AM- 1 AM, Sat: 11AM-11:59 PM  
 Fri: 9 PM- Midnight; Sat: 9 PM-11:59 PM

**Sunday Licenses:**

- 1. Berkshire South Regional Community Center
- 2. Bogie's
- 3. James A. Modolo VFW Post #8348, Inc.
- 4. Mahaiwe Performing Arts Center
- 5. Bard College at Simon's Rock
- 6. The Guthrie Center
- 7. Thornewood Inn
- 8. Triplex Movie Theater
- 9. Route 7 Grill

1:00 PM- 11:00 PM  
 1:00 PM- 11:59 PM  
 1:00 PM- 11:59 PM  
 1:00 PM- 11:00 PM  
 1:00 PM- 11:59 PM  
 1:00 PM- 11:59 PM  
 1:00 PM- 11:59 PM  
 9:00 AM-11:59 PM  
 1:00 PM- 11:00 PM

**(Outside pavilion area only, May-Nov.)**

Kevin O' Donnell  
Town Manager

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



Town Hall, 334 Main Street  
Great Barrington, MA 01230

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

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

### EXECUTIVE SUMMARY

**TITLE:** Appointment of Great Barrington Housing Authority member.

**BACKGROUND:** The Town has advertised for a resident to serve as a member on the Great Barrington Housing Authority. This appointment, per State law, is only until the next Town election. A majority vote of the two Boards is necessary (5 out of 9). David Magadini and Ann Condon have applied for the position. MGL Chapter 41 Sec. 11 requires a joint appointment from the Board of Selectmen and the GB Housing Authority.

**FISCAL IMPACT:** Not applicable.

**RECOMMENDATION:** Appoint one member to the GB Housing Authority with a joint appointment of the Board of Selectmen and the GB Housing Authority until the next Town election of May 13, 2013.

**PREPARED AND REVIEWED BY:**

  
Kevin O' Donnell, Town Manager

**DATE:** 12-6-12

RECEIVED  
TOWN MANAGER

NOV 20 2012

BOARD OF SELECTMEN  
GREAT BARRINGTON, MA

P.O. Box 589  
Great Barrington, MA 01230  
November 19, 2012

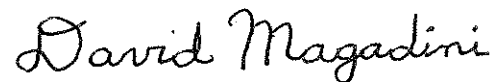
Board of Selectpeople  
334 Main Street  
Great Barrington, MA 01230

Dear Selectpeople:

I am interested in the position now open on the Housing Authority. In the Housing Authority election in May 2012, I officially obtained 2 write in votes. I was informed by one person that that person intended to write me in for the position. I wrote myself in because of this expression of confidence in my ability. A few days after the election I happened to meet a person who just came up by me and told me that he also voted for me. I have been informed that the other person who received votes in the election received 2 votes as the official total, declined the appointment. In either case I feel that I have been unjustly deprived of an elected position on the Housing Authority. As a consequence, the position that is now open is mine by right, and I desire that you ratify this entitlement and eliminate this injustice.

With regard to the duties and responsibilities regarding the housing authority I believe my presence on the board will bring a unique perspective that favors the creation of new housing for the people who need it the most. The minimum and low wage earners of our economic strata in our economic system. Everyone deserves to have a place to live and policies and plans need to target the segments of society where housing is a very pressing need and concern. There needs to be more extremely low income housing so that everyone can afford at least a small apartment.

Sincerely,



David Magadini

RECEIVED  
TOWN MANAGER

NOV 29 2012

BOARD OF SELECTMEN  
GREAT BARRINGTON, MA

November 28, 2012

Ann Condon, 20 Hollenbeck Avenue G.B. 01230  
acondon@bcn.net

The Town Manager  
Town of Great Barrington  
Great Barrington MA 01230

Dear Mr O'Donnell,

I am interested in serving on the Great  
Barrington Housing Committee until the  
May 2013 Town Meeting, at which time  
I wd. stand for election if I wish to  
continue to serve in the permanent  
capacity.

I have an ongoing interest in maintenance  
& availability of this affordable town resource  
& was on the Affordable Housing Committee  
a one point which did considerable  
research of availability, existence & potential  
for a range of affordable units

Yours Sincerely Ann M. Condon

Mark A. Pruhenski  
Health Agent

Edwin A. May  
Building Commissioner



Town Hall, 334 Main Street  
Great Barrington, MA 01230

Telephone: (413) 528-0680  
Fax: (413) 528-3064

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

### INSPECTIONAL SERVICES DEPARTMENT

### EXECUTIVE SUMMARY

**TITLE:** Food Trucks

**BACKGROUND:** Numerous requests for information regarding town policies on food trucks are fielded annually by the Health and Building Departments. The Health Department advises on food codes rules and regulations, the Building Department advises on zoning and signage regulations.

Health Department Requirements:

The current state health code allows for the use of food trucks but only under strict conditions to ensure the safety of the food. Local Boards of Health may impose additional restrictions but Great Barrington has not chosen to do so at this point. The current code requires the following: 1) Mobile units must provide adequate water and waste systems or limit their menus to hot dogs and non-hazardous foods. 2) They must be used for limited preparation and operate from a fixed, commercial, licensed kitchen. 3) They must have mechanical refrigeration, screens, a hand-washing sink, and must obtain the use of adequate bathrooms within a convenient distance. Any mobile operation is essentially required to meet the State and Federal Food codes without exception.

Building Department Requirements: From a Zoning By-Law Perspective:

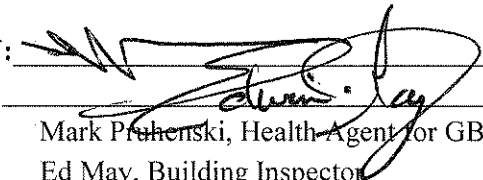
Section 3 of The Town of Great Barrington's Zoning By-Law c.171, does not include 'FOOD TRUCKS' as a permitted use in table 3.1.4, "Table of Use Regulations".

Section 3.1 Principal Uses; states in part ...Any building or use of a premises not herein expressly permitted is hereby prohibited.

Section 3.1.1 Other Laws; All uses permitted as of right or by Special Permit are subject to all applicable provisions of this by-law including but not limited to ...and the regulations of the Board of Health and any other town agencies.

**FISCAL IMPACT:** There is no fiscal impact for the Town.

**RECOMMENDATION:** It is our opinion that food trucks are not specifically prohibited for use on public or private property at this time by either department but the restrictions above have made it difficult for vendors to comply. The exception to this is that Mobile permits for use at special events in town are frequently granted. Selectboard direction is needed so that changes can be made to specifically permit or prohibit the use of food trucks in town for regular daily use.

**PREPARED BY:**  \_\_\_\_\_ **DATE:** 12-5-12  
Mark Prehenski, Health Agent for GBBOH  
Ed May, Building Inspector

**APPROVED:**  \_\_\_\_\_ **DATE:** 12-5-12  
Kevin O'Donnell, Town Manager

SEAN A. STANTON  
CHAIRMAN

DEBORAH PHILLIPS  
ALANA CHERNILA  
STEPHEN C. BANNON  
ANDREW D. BLECHMAN



Town Hall, 334 Main Street  
Great Barrington, MA 01230

Telephone: (413) 528-1619 x2  
Fax: (413) 528-2290  
website: www.townofgb.org

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

### BOARD OF SELECTMEN

#### Arbor Day Proclamation, 2012

#### Town of Great Barrington, Massachusetts

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

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

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

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

Therefore: we, the members of the Board of Selectmen of the Town of Great Barrington, Massachusetts, do hereby proclaim **December 5, 2012**, to be known as ARBOR DAY in Great Barrington, and we urge all citizens to celebrate Arbor Day planting and caring for trees, and to support efforts in our town to protect our trees.

IN WITNESS THEREOF, We have hereunto set our hands this 10<sup>th</sup> day of December, 2012.

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

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

\_\_\_\_\_  
Andrew Blechman

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

\_\_\_\_\_  
Alana Chernila



## Helen Kuziemko

---

**From:** Kevin O'Donnell  
**Sent:** Wednesday, December 05, 2012 9:17 AM  
**To:** Dennis Gibbons  
**Cc:** Helen Kuziemko  
**Subject:** RE: arbor day proclamation

Dennis,

The proclamation will be on the December 10 selectboard agenda. It would good to have someone from the tree committee speak to the purpose & what is being undertaken. Draft proclamation is OK.

---

**From:** Dennis Gibbons [<mailto:dennisgibbons@icloud.com>]  
**Sent:** Tuesday, December 04, 2012 9:24 AM  
**To:** Kevin O'Donnell  
**Subject:** Re: arbor day proclamation

Kevin, what is the next step then? Is the proclamation draft ok? Do we need a rep from TC to be at town hall the 5th or the 10th? Please let me know.

Thanks, Dennis

Sent from my iPhone

On Nov 30, 2012, at 10:55 AM, Kevin O'Donnell <[kodonnell@Townofgb.org](mailto:kodonnell@Townofgb.org)> wrote:

Dennis,

No problem with the 5<sup>th</sup> just the Select board vote would not be until after the event on December 10— that is a little different but if it is what you want fine.

Kevin O'Donnell  
Town Manager  
Town of Great Barrington  
334 Main Street  
Great Barrington, Massachusetts 01230  
413-528-1619 x2  
413-528-2290 fax

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**From:** Dennis Gibbons [<mailto:dennisgibbons@icloud.com>]  
**Sent:** Friday, November 30, 2012 9:22 AM  
**To:** Kevin O'Donnell  
**Cc:** Helen Kuziemko  
**Subject:** Re: arbor day proclamation

Kevin, I will send attachment again. Please let me know if you get it this time. Yes we would still like to use December 5 if it is not too much trouble.

Thanks, Dennis

On Nov 30, 2012, at 08:51 AM, Kevin O'Donnell <[kodonnell@Townofgb.org](mailto:kodonnell@Townofgb.org)> wrote:

Dennis,

No attachment; next Select board meeting is December 10—do you still want to use December 5?

Kevin O'Donnell

Town Manager

Town of Great Barrington

334 Main Street

Great Barrington, Massachusetts 01230

413-528-1619 x2

413-528-2290 fax

---

**From:** Dennis Gibbons [<mailto:dennisgibbons@icloud.com>]

**Sent:** Friday, November 30, 2012 7:58 AM

**To:** Kevin O'Donnell

**Cc:** Helen Kuziemko

**Subject:** arbor day proclamation

Kevin,

I have attached a draft Arbor Day Proclamation for the 4th required standard of the Tree City USA check list. We have left the date open.

To that end, there is a volunteer work day for arborists at Monument Mtn Reg. High School on December 5th. Perhaps that day would dovetail nicely with what

we are trying to accomplish at least as far as Arbor Day means. So maybe that should be the date of our proclaimed Arbor Day.

Please let me know. We are still planning on submitting our application for this year and will review our check list at our Dec. 5 Tree Committee meeting.

Thanks,

Dennis

## EXECUTIVE SUMMARY

**TITLE:** Revision on procedures for use of Town owned buildings

**BACKGROUND:** As previously referenced, the Town Charter, section 6 C 11 states "The Town Manager shall manage and be responsible for all town buildings, property and facilities". The Town Manager has worked with the COA Director and Library Director to meld into one coherent set of procedures a document that covers all Town buildings available for public use. A strong attempt was made to reach the middle ground sought by outside groups particularly relating to off hour use when a facility is not routinely opened. Charges have been kept reasonable. The attached document reflects the efforts of the COA Director & Library Director to allow public use of their departmental facilities yet provide adequate reasonable standards and safeguards since those facilities receive the majority of non-Town government use. The Housatonic Community Center would also be under these procedures and has been historically scheduled through the Town Manger's Office.

By having uniform standardized procedures, more consistent application of the use and understanding of the expectations will be achieved. As indicated on June 2012, the attached procedures reflect a consolidated final set of procedures. No action is required of the Selectboard. The Selectboard had requested a status report on a comprehensive procedure for the buildings. The new procedures should cover matters moving forward.

**FISCAL IMPACT:** There will be some revenue achieved but it is not anticipated to be significant.

**RECOMMENDATION:** No action is required. The procedures can be implemented immediately for all the buildings.

**PREPARED AND REVIEWED BY:**   
Kevin O'Donnell, Town Manager

**DATE:** 8-9-12

## Town Building Use Procedures

**Purpose:** This document enumerates the processes for approval and use of Town Buildings.

**Applicability:** These procedures apply to all Town-owned buildings.

### Guidelines:

- Applicant must provide valid identification and be at least 18 years of age. The applicant must attend the meeting and assume full responsibility for the use of the room(s).
- The Town and its departments may require an applicant group to supply a certificate of insurance, from an insurer licensed to do business in Massachusetts, in such amount and in such form as the Town may reasonably deem appropriate, naming the Town as an additional insured, and covering damage to the building, grounds, contents, and injury to persons occasioned by the event.
- Rooms should be reserved as far in advance as possible, but no more than three (3) months in advance. If a reservation is made for a series of meetings (e.g., the first Thursday of every month), there may be occasions when the group will be preempted. In such cases, as much notice as possible will be given.
- Rooms will not be available when the Institution is closed due to emergency conditions or inclement weather.
- The event cannot interfere with normal operations during public hours.
- Music/sound levels – must be kept to an acceptable level as to not disturb other activities or neighbors. Use Masking Tape only to hang decorations. Do not drag equipment- lift tables and chairs. Return the room and all equipment in the same condition as group found it.
- Adult Supervision is required of minors at all times.
- No Smoking is allowed anywhere inside Town buildings.
- The Town and its departments cannot guarantee parking facilities for those attending the meeting.
- The fact that a group is permitted to use the facilities does not constitute an endorsement by the Town or any of its departments of the group's policies or beliefs. Advertisements, announcements, press releases, flyers, etc., should not imply that the meeting is sponsored by the Town or any of its departments.

- The Town departments will make reasonable attempts to accommodate the groups' needs, but makes no guarantee that staff will be available to change the arrangement of the room, to train individuals in the use of equipment or to resolve any problems that arise.
- The Town reserves the right to immediately terminate, without notice to applicant or presenter, its contract with any presenter that the Town deems, in its sole discretion, (1) to have not abided by the rules and regulations described herein, or (2) if the applicant, presenter, or group should conduct any illegal activity on Town property.
- The Town Manager reserves the right to deny any group requesting to use a Town building if there is a negative impact on the building or operations of the Town.

**Approval:** Applicant(s) must submit a completed application to the Department Head at least seven (7) days prior to requested use date.

Priority will be given to government, community and non-profit organizations. Applicants will be notified of their approval within three days of their request.

All monies must be paid prior to use of the room.

#### **Categories of Users:**

1. Providing services to townspeople/users at a significantly reduced rate. Those who provide classes and activities to townspeople may be paid on a per-class basis or per-unit of service basis by those who participate. The Town Departments does not pay the providers. A maintenance fee may be charged.
2. Providers of non-profit services and activities. These include church groups, scouts, and other non-profits who want on-going use of the facilities and do not charge the people to attend. A maintenance fee will be charged.
3. For profit users. These providers use the space to provide a class or service for which they charge participants; they use the space to make money. A rental and/or maintenance fee is charged.

**Costs:** \$100 security (refundable); \$50 rental fee not to exceed \$150 if for a series of meetings.

Within these categories, reservations are filled on a first-come, first-served basis. All monies shall be payable to the Town of Great Barrington and will be forwarded to the Town Treasurer at Town Hall, 334 Main St. Great Barrington, MA 01230.

## **Town Building Spaces:**

*Mason Library (231 Main St.) Community Room (75 standing; 50 seated)*

*Mason Library (231 Main St.) History Room (10 standing; 8 seated)*

*Town Hall (334 Main St.) Board Room - (Use only permitted for government use or with Town Manager's approval)*

*Fire Department (37 State Rd.) Training Room - (Use only permitted for government use with Town Manager's approval)*

*Claire Teague Senior Center (917 Main St) Community Room*

*Claire Teague Senior Center (917 Main St) Art Room*

*Claire Teague Senior Center (917 Main St) Bridge Room*

*Housatonic Community Center (1064 Main Street North, Housatonic)*

**After-hours use:** Permitted at the Claire Teague Senior Center, and, if granted, events must end by 9:00 pm. Keys must be picked up at the Police Department (465 Main St.) and dropped off directly after the end of use (no later than 9:30pm. For the Housatonic Community Center hours may vary, but all events must be concluded by 9:00pm. Any other building use request for after-hours requires permission from the Town Manager.



### Great Barrington Building Use Application

Name of Group/Individual: \_\_\_\_\_

Date of Application: \_\_\_\_\_

Contact person: \_\_\_\_\_

Daytime phone number: \_\_\_\_\_ Emergency phone number: \_\_\_\_\_

Mailing address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Secondary contact person: \_\_\_\_\_

Daytime phone number: \_\_\_\_\_ Emergency phone number: \_\_\_\_\_

Mailing address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of room/s or space/s: \_\_\_\_\_



Expected attendance: \_\_\_\_\_ Purpose of meeting/event: \_\_\_\_\_

Date requested: \_\_\_\_\_ Time requested: \_\_\_\_\_

Special requests:

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### AGREEMENT

This application is made with full understanding of the General Regulations for the use of the premises. I (we) agree to assume the responsibilities involved in using the premises, and in particular, agree that in the event there shall be, as a result of the use of the premises, damages to the premises or the property or the property of others, or personal injuries to anyone, the Town of Great Barrington shall not be liable therefore, and if, notwithstanding this agreement, the Town of Great Barrington shall be required to pay any such damages, I (we) agree to fully indemnify and to hold the Town of Great Barrington blameless therefrom.

**Kevin O'Donnell**

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**From:** Kevin O'Donnell  
**Sent:** Monday, August 27, 2012 3:00 PM  
**To:** Ed Abrahams; Emily Shaw; Holly Hamer; Kathleen Plungis; Tom Blauvelt; Veronica Cunningham; Amy and David Rutstein; Bailly@verizon.net; booksfromsandra@yahoo.com; gmhz0230@yahoo.in; greenberg.mel@gmail.com; mntcory@aol.com; Polly Mann  
**Cc:** Kathleen Deviny; Polly Mann; Joseph Sokul; Alana Chernila; Andrew D. Blechman; Deb Phillips; Sean A. Stanton; Stephen C. Bannon  
**Subject:** town use building procedures  
**Attachments:** Town Building Use Policy2 (2).docx

To all:

As you know Kate, Polly & I have been working on updating the Town building use procedures. The purpose was to have a straight forward consistent set of procedures that would cover a variety of uses. Kate & Polly particularly looked at the impact from departmental operations and did an excellent job in crafting the procedures. The philosophical mindset the three of us agreed upon was if the entity was looking to make a profit it should go to one of the facilities in the private sector. The Town should not be undercutting private sector rental facilities. However, if the entity was providing services that augment services the Town departments offer a partnership approach could be achieved. A similar stance was reached by the three of us in dealing non-profit activities and recognizing the limited resources of non-profits. Scheduling room use is minor for the staff. It is the room prep and/or clean up afterwards that is an issue. Staff will not be prepping the rooms. Each group using the facility will set things up as needed and will be expected to restore the room to the same condition it was in when originally scheduled. Failure to adhere to that or any other of the reasonable guidelines can result in the entity losing the privilege of using Town facilities.

The fee is modest & given the minimal effort now for the staff, justifiable. Public Works actually is responsible for all building maintenance, upkeep & utility costs, etc. Revenue can be tracked for the groups. Only those buildings listed in the procedures are for use. The various alcoholic support groups like AA will still be able to use the senior center; merely needing to be more responsible in any set up & returning the room to its original condition. Hours are reasonable, yet have flexibility if needed. Such as if the Berkshire International Film Festival wanted to return. Nothing in the procedures preclude a group like the Boy Scouts from a barter arrangement like landscape work, washing municipal vehicles as example in lieu of the fee.

Since the Library Board & Council on Aging Board have shown an interest in this subject, the Library Director, COA Director & I feel a joint meeting of the 2 boards with the 3 of us explaining & answering questions would be the most productive. It would ensure everyone hearing the same thing & being on the same page.

Thanks for your attention. I wish to thank Kate & Polly for their efforts in this endeavor.

Kevin O'Donnell  
Town Manager  
Town of Great Barrington  
334 Main Street  
Great Barrington, MA 01230  
413-528-1619 x2  
413-528-2290-fax

8/27/2012

## Town Building Use Procedures

**Purpose:** This document enumerates the processes for approval and use of Town Buildings.

**Applicability:** These procedures apply to all Town-owned buildings.

### Guidelines:

- Applicant must provide valid identification and be at least 18 years of age. The applicant must attend the event and assume full responsibility for the use of the room(s). And, adhere to all departmental rules.
- The Town and its departments may require an applicant group to supply a certificate of insurance, from an insurer licensed to do business in Massachusetts, in such amount and in such form as the Town may reasonably deem appropriate, naming the Town as an additional insured, and covering damage to the building, grounds, contents, and injury to persons occasioned by the event.
- Rooms should be reserved as far in advance as possible, but no more than three (3) months in advance. If a reservation is made for a series of meetings (e.g., the first Thursday of every month), there may be occasions when the group will be preempted. In such cases, as much notice as possible will be given.
- Rooms will not be available when the Institution is closed due to emergency conditions or inclement weather.
- The event cannot interfere with normal operations during public hours.
- Music/sound levels – must be kept to an acceptable level as to not disturb other activities or neighbors. Use Masking Tape only to hang decorations. Do not drag equipment- lift tables and chairs. Return the room and all equipment in the same condition as group found it.
- Adult Supervision is required of minors at all times.
- No Smoking is allowed anywhere inside Town buildings.
- The Town and its departments cannot guarantee parking facilities for those attending the meeting. Storage is not provided.
- The fact that a group is permitted to use the facilities does not constitute an endorsement by the Town or any of its departments of the group's policies or beliefs. Advertisements, announcements, press releases, flyers, etc., should not imply that the meeting is sponsored by the Town or any of its departments.
- The Town departments will make reasonable attempts to accommodate the groups' needs, but makes no guarantee that staff will be available to change the arrangement of the room, to train individuals in the use of equipment or to resolve any problems that arise.
- The Town reserves the right to immediately terminate, without notice to applicant or presenter, its contract with any presenter that the Town deems, in its sole discretion, (1) to have not abided by the

rules and regulations described herein, or (2) if the applicant, presenter, or group should conduct any illegal activity on Town property.

- The Town Manager reserves the right to deny any group requesting to use a Town building if there is a negative impact on the building or operations of the Town.

**Approval:** Applicant(s) must submit a completed application to the Department Head at least seven (7) days prior to requested use date. Priority will be given to government, community and non-profit organizations. Applicants will be notified of their approval within three days of their request. All monies must be paid prior to use of the room.

#### **Categories of Users:**

1. Providing services to townspeople/users at a significantly reduced rate. Those who provide classes and activities to townspeople may be paid on a per-class basis or per-unit of service basis by those who participate. The Town Departments does not pay the providers. A use fee may be waived.
2. Providers of non-profit services and activities. These include church groups, scouts, and other non-profits who want on-going use of the facilities and do not charge the people to attend. A use fee will be charged.

**Cost:** \$35 building use fee.

Within these categories, reservations are filled on a first-come, first-served basis. All monies shall be payable to the Town of Great Barrington and will be forwarded to the Town Treasurer at Town Hall, 334 Main St. Great Barrington, MA 01230.

#### **Town Building Spaces:**

**Mason Library** (231 Main St.) Community Room (75 standing; 50 seated); History Room (10 standing; 8 seated)

**Town Hall** (334 Main St.) Board Room – (49 seated- government use only or with Town Manager’s approval.)

**Fire Department** (37 State Rd.) Training Room - (50 seated - government use only or with Town Manager’s approval.)

**Claire Teague Senior Center** (917 Main St) Dining Room ; Art Room ; Library Room.

**Housatonic Community Center** (1064 Main Street North, Housatonic)

**After-hours use:** Permitted at the Clair Teague Senior Center, and, if granted, events must end by 9:30 pm. Keys must be picked up at the Police Department (465 Main St.) and dropped off directly after the end of use (no later than 9:45pm). For the Housatonic Community Center hours may vary but all events must be concluded by 9:00 PM. Any other building use request for after-hours requires permission of the Town Manager.



## Great Barrington Building Use Application

Name of Group/Individual: \_\_\_\_\_

Date of Application: \_\_\_\_\_

Primary Contact person: \_\_\_\_\_

Daytime phone number: \_\_\_\_\_ Emergency phone number: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Email address: \_\_\_\_\_@\_\_\_\_\_

Secondary contact person: \_\_\_\_\_

Daytime phone number: \_\_\_\_\_ Emergency phone number: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Email address: \_\_\_\_\_@\_\_\_\_\_

Name of room/s or space/s: \_\_\_\_\_

Expected attendance: \_\_\_\_\_ Purpose of meeting/event: \_\_\_\_\_

Date requested: \_\_\_\_\_ Time requested: \_\_\_\_\_

Special requests: \_\_\_\_\_

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### AGREEMENT

This application is made with full understanding of the General Regulations for the use of the premises. I (we) agree to assume the responsibilities involved in using the premises, and in particular, agree that in the event there shall be, as a result of the use of the premises, damages to the premises or the property or the property of others, or personal injuries to anyone, the Town of Great Barrington shall not be liable therefore, and if, notwithstanding this agreement, the Town of Great Barrington shall be required to pay any such damages, I (we) agree to fully indemnify and to hold the Town of Great Barrington blameless therefrom.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Kevin O'Donnell**

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**From:** Holly Hamer [hhamer3143@yahoo.com]  
**Sent:** Sunday, September 23, 2012 10:04 PM  
**To:** Kevin O'Donnell  
**Cc:** Ed Abrahams; Emily Shaw; Kathleen Plungis; Kathleen Deviny  
**Subject:** Building Use Policy  
**Attachments:** Meeting room policy draft.pdf  
September 23, 2012

Dear Kevin:

Thank you for the invitation to review the all-town building procedure that you drafted with Kate and Polly. We fully understand the need to have consistency in allowing our public rooms to be used by the community and the need to protect the physical spaces and ensure that they are well maintained.

The three buildings that are strongly affected by your draft are, of course, the Senior Center and the two libraries. We have discussed as a board how we want the libraries to be used and feel that we have so many assets and uses which are different from those of the Senior Center that we wish to have a meeting room policy for the libraries alone as has been the case up until now. Researching this issue has shown us that most libraries with an informative website include a link to their specific library meeting room use policy as a courtesy to patrons and as a way to save staff time.

As you know, the Senior Center is unstaffed after 3:30 and needs to have different regulations from those of the libraries which do not allow unsupervised use. The Trustees again affirmed our mission to be free and open to the public at all times; meetings or events must be open to the public without stipulation and there may not be any charge to either the participants or the organizers. Similar stipulations are, understandably, different for or inapplicable to the Senior Center.

We have formed a subcommittee to compare your draft with our existing policy and some newer policy ideas and have created a document tailored for our libraries which is clear, fair and inclusive. We have included all of your items which are procedural; those which are policy we have addressed as is our job as trustees.

We will present this document at our October meeting for discussion and vote; we are including our draft in advance for your suggestions or corrections. Thank you for bringing up this important discussion about our town buildings and for focusing the dialogue. We appreciate all the work that you and Kate and Polly have done to date and hope that our efforts will be as productive.

Ed Abrahams  
Holly Hamer  
Hilda Shapiro  
Policy Subcommittee  
Great Barrington Board of Library Trustees

9/24/2012

## Meeting Room Policy: Great Barrington Libraries

The Trustees of the Great Barrington Libraries welcome community use of the Great Barrington Library's public rooms.

The meeting rooms of the Mason Library and Ramsdell Library are made available during regular library hours free of charge to non-profit groups. The purpose of the meeting rooms is to make them available to as many community groups as possible. Therefore, a non-library group may not monopolize the use of the meeting room.

### **Rules:**

Library sponsored programs will receive first priority. There may be times that the library will have to cancel a group's meeting for a library function. The library will attempt to give as much advance notice of such cancellation as possible.

The library system will not reserve its meeting rooms for:

- Events promoting specific political candidates.
- Non-library related groups selling or promoting items or services.
- Activities likely to disturb regular Library functions.
- Individuals, organizations or groups presenting programs of which the primary purpose is the disparagement or denigration of another individual or organization, or groups that exclude membership on the basis of race, religion, gender identity or sexual orientation.

No materials, equipment or furniture belonging to any organization will be stored on library premises, and the libraries will not assume responsibility for any materials or items left on the premises.

There is no charge for use of the meeting rooms but donations to Friends of the Great Barrington Libraries are appreciated.

No admission fees or collections will be allowed for any event scheduled in meeting rooms. Pass-through costs for educational materials may be collected. Library sponsored events for the purpose of raising funds for the libraries are allowed.

A contact person and phone number must be provided. This person, who must be over eighteen years old, will be responsible for meeting with assigned staff to confirm details. The contact person will be responsible for turning off meeting room and restroom lights, restoring the room in an orderly manner with chairs in place, cleaning tables clean and removing garbage, making sure that the noise level does not disturb other activities or neighbors, that there is no smoking inside the library and that minors are supervised by adults at all times.

The size of the group is not to exceed the capacity of the specific meeting room: see application.

A certificate of insurance may be required which names the Town as an additional insured and covers damage to the building, grounds, contents and injury to persons brought about by the event.

Non-alcoholic refreshments may be served by the group, but no serving materials will be provided by the libraries. Bio-degradable materials are strongly recommended. If the carpet or furnishings are soiled during the use of library facilities, the organization must pay the cost of cleaning.

Rooms should be reserved as far in advance as possible, but no more than three (3) months in advance. If a reservation is made for a series of meetings (e.g., the first Thursday of every month), there may be occasions when the group will be preempted. In such cases, as much notice as possible will be given. Please allow enough time for library staff to review your application.

If a meeting is canceled, the Library must be notified at once and at least 24 hours in advance of the scheduled event unless unexpectedly hazardous weather or other emergencies occur. Room reservations will be cancelled when the library is forced to close for emergency conditions or inclement weather.

Any publicity for the event must include the following statement: "This event is free and open to the public." The Assistant Director or staff person in charge of publicity must approve any press releases, advertisements or announcements about meetings before publication.

If a question is raised as to the objectives and/or activities of any organization or group requesting use of the meeting room, the Board of Trustees shall be the final authority in granting or refusing permission for the use of the room.

Alcohol is permitted on town properties but is discouraged from use in the libraries which provide unrestricted access to people of all ages. For special events in which the carefully monitored serving of alcohol is desired, the applicants must make their requests in person to the Board of Trustees and, if successful, must apply for a permit from the Select Board.



# Great Barrington Libraries Meeting Room Application

Name of Group \_\_\_\_\_

Date of Application \_\_\_\_\_

Responsible Party \_\_\_\_\_

Contact information \_\_\_\_\_

Date(s) of meeting \_\_\_\_\_

Type or purpose of meeting \_\_\_\_\_

\_\_\_\_\_

Hours of meeting \_\_\_\_\_

Number expected \_\_\_\_\_

Which meeting room is preferred?

Mason Community (75 standing or 50 seated) \_\_\_\_\_

Mason History Room ( 10 standing, 8 seated) \_\_\_\_\_

Ramsdell Theater (49) \_\_\_\_\_

How many tables \_\_\_\_\_ chairs \_\_\_\_\_ are needed?

Is a podium or other equipment needed? Please specify \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Is the Mason pantry needed? \_\_\_\_\_

I have read and agree to comply with the library policy

\_\_\_\_\_ Signature

*Policy approved*

Edwin A. May  
Inspector of Buildings  
E-mail: emay@townofgb.org



Town Hall, 334 Main Street  
Great Barrington, MA 01230  
Telephone: (413) 528-3206  
Fax: (413) 528-3064

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE INSPECTOR OF BUILDINGS

### EXECUTIVE SUMMARY

## SIGN BY-LAW [c.146] REVISITED #2

**BACKGROUND:** Sign by-law is viewed by businesses as cumbersome, unfathomable and a hindrance to prosperity. At the direction of The Select Board, 11/13/12 meeting, the Building Inspector has suggested new language to sign by-law for 'Temp Events and Trees and Poles.' §§ 146-6(1) +(11) and 146-3(6).

**FISCAL IMPACT:** Enforcement of the existing / proposed sign by-law would require more time of the Building Inspector. Additional resources may be required to ensure 100% compliance.

**RECOMMENDATION:** Alteration(s) to the sign by-law:

**146-6(1) Banners.** Should not be changed as The Select Board maintained at the Nov. 13<sup>th</sup> meeting that 'Banners' be limited to the business districts in town as the regulation states.

**146-6(11) Temporary Signs for Temporary Events.** should be change to read: Temporary signs for temporary events are permitted. Each temporary event may display only up to fourteen (14) temporary signs per event... Temporary signs may be erected not more than fourteen (14) days prior to the event and must be removed not later than 24 hours after the event.

**146-3(6) Trees and Poles.** should not be changed as The Select Board maintained at the Nov. 13<sup>th</sup> meeting, that No sign should be allowed on trees.

Continued Select Board direction is needed so changes can be made if deemed necessary.

PREPARED AND REVIEWED BY: Edwin May  
Edwin May C B O, Building Commissioner

DATE 12-6-12

APPROVED Kevin O'Donnell  
Kevin O'Donnell, Town Manager

## Chapter 146 SIGNS

**146-1. Purpose.** Under authority of the General Laws, the Town of Great Barrington adopts this Bylaw for the regulation and restriction of signs and other outdoor visual advertising devices on public ways, on private property within public view, in public parks, and on playgrounds. The purposes of these sign regulations are to encourage the effective use of signs as a means of communication in the Town; to maintain and enhance the aesthetic environment of the town; to encourage and support the town's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; and to minimize the possible adverse effect of signs on nearby public and private property.

**146-2. Definitions.** Words and phrases used in this Bylaw shall have meanings set forth herein. Words and phrases not defined in this Chapter but defined in the Zoning Bylaw of the Town shall be given the meanings set forth in the Zoning Bylaw. Words not defined in this Chapter shall be given the meanings in the most current edition of the Webster's Unabridged Dictionary. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

***ABANDONED SIGN:*** A sign that no longer identifies or advertises a location, product, or activity conducted on the premises on which the sign is located.

***AGGREGATE AREA OF SIGNS:*** The sum of the allowed area of signs on any premises.

***ANIMATED SIGNS:*** A sign that uses movement, or the illusion of motion, moving images or changes of lighting to depict action or create a special effect or scene. Animated signs are prohibited in all districts.

***ARCHITECTURAL PROJECTION:*** Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but excluding any signs as defined herein.

***AREA OF SIGN:*** The area of a sign shall be determined by measuring the area within the perimeter which forms the outside shape of display elements from the top of the highest display elements to the bottom of the lowest display elements and from exterior side to exterior side of display elements, including in such measurement any black or open area between display elements. Display elements include any letters, words, trademarks, logos, and symbols. Any frame around the sign shall be included in the measurement, but the measurement shall not include any supporting structure or bracing. Any such measurement shall be taken on only one face of the sign, although informational or advertising matter may be displayed on both sides of any permitted sign.

***AWNING:*** An architectural projection or shelter projecting from and supported by the exterior wall of a building or other similar means and composed of a covering of rigid or

nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

***AWNING SIGN:*** A sign displayed on, lettered on or attached to the surface or surfaces of an awning.

***BACKGROUND AREA OF SIGN:*** The entire area of a sign on which copy and/or graphics could be placed.

***BANNER:*** A flexible substrate on which copy or graphics may be displayed. Banners are a form of temporary off-premises sign designed to advertise events sponsored by civic, public or nonprofit organizations.

***BANNER SIGN:*** A sign utilizing a banner as its display surface.

***BILLBOARD:*** A commercially owned and operated freestanding or wall sign which does not advertise a business or profession conducted, a service offered or a commodity sold upon the premises where such sign is located, and which is subject to G.L. c. 93, ss. 29 through 33, and the rules and regulations of the Outdoor Advertising Board of the Commonwealth of Massachusetts.

***BUILDING FACADE:*** That portion of any exterior elevation of a building extending vertically from grade to the roofline.

***BUILDING INSPECTOR:*** The duly appointed Building Inspector for the Town of Great Barrington.

***BUILDING MOUNTED SIGN:*** A sign attached to any part of a building, as contrasted with a freestanding sign. Building signs include wall signs, projecting signs and window signs. Building-mounted signs may not project above any eave or parapet or roof surface.

***BULLETIN BOARD SIGN:*** A sign whose message copy or content can be changed manually on a display surface.

***BUSINESS:*** A single store, office, research facility, manufacturing facility, or commercial establishment, or similar location for a single activity.

***BUSINESS CENTER:*** A location with businesses or potential businesses which collectively have an aggregate floor area equal to or greater than 50,000 square feet and which has a name different from the name of any of the individual businesses and which has common private parking and vehicular entrances.

***CANOPY:*** A multi-sided structure supported by columns or attached on one end to a building. The vertical surface(s) and/or soffit of a canopy may be illuminated by means of internal or external sources of light.

**CANOPY SIGN:** A sign affixed to the visible vertical surface(s) of an attached or freestanding canopy; may be internally or externally illuminated.

**COMMERCIAL MESSAGE:** Any wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, accommodation, service, or commercial activity.

**COMMERCIAL OUTDOOR ADVERTISING SIGN:** A permanent off-premises sign erected, maintained or used in the outdoor environment for the purpose of providing copy area for commercial or noncommercial messages.

**COPY:** The graphic content and the commercial message of a sign.

**DIRECTIONAL SIGN:** Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

**DIRECTORY SIGN:** A sign which lists the tenants or occupants of a premises and may indicate respective professions.

**DOUBLE-FACED SIGN:** A sign with two faces, commonly back-to-back.

**ELECTRONIC MESSAGE SIGN OR CENTER:** An electrically activated sign whose variable message capability can be electronically programmed. The copy can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. These signs are prohibited in all districts.

**EXTERIOR SIGN:** Any sign placed outside a building.

**EXTERNALLY ILLUMINATED SIGN:** A sign which has characters, letters, figures, designs, or outlines illuminated by light reflecting off its surface(s) from lights placed at some distance from the sign.

**FACADE:** Any building facade which is visible from a paved public way.

**FREESTANDING SIGN:** A sign principally supported by one or more columns, poles, or braces placed in or upon the ground, including V-signs.

**FRONTAGE (PROPERTY):** The length of the property line(s) of any single lot along either a public way or other properties on which it borders.

**HISTORIC SIGN:** An accessory sign 50 or more years old that is structurally safe, or any other preexisting sign designated by an accredited historical association or governmental agency to have historical significance.

**INCIDENTAL SIGN:** An informational sign, no larger than two square feet, which has a purpose secondary to the use of the premises on which it is located, such as "loading only," "no parking," "entrance," "telephone," "credit cards accepted," "open," "closed," "back in one hour" and other similar directives. No sign with a commercial message with lettering greater than two inches in height shall be considered an incidental sign.

**INTERIOR SIGN:** Any sign placed within a building, but not including window signs as defined by this article. Interior signs, with the exception of window signs as defined, are not regulated by this Bylaw.

**INTERNALLY ILLUMINATED SIGN:** A sign which has characters, letters, figures, designs, or outlines illuminated from within the sign by electric lights, luminous tubes or other light source.

**LASER/HOLOGRAPHIC SIGNS:** Laser, holographically projected or similarly electronically produced signs which use these technologies to project visible images.

**LOT:** A parcel of land in single ownership that is recognized as a separate lot by the Assessor's office.

**MARQUEE:** A multi-sided structure or architectural projection supported by attachment to a building on one or more sides, whether hung, cantilevered or supported by columns. The surface(s) and/or soffit of a marquee may be illuminated by means of internal or external sources of light. Marquees and marquee signs are allowed only by special permit from the Planning Board.

**MARQUEE SIGN:** A sign attached to the sides of a marquee.

**MULTIPLE-FACED SIGN:** A sign containing three or more faces.

**OFF-PREMISES SIGN:** A sign whose copy bears no relationship to the activities conducted on the premises on which it is located.

**ON-PREMISES SIGN:** A sign whose copy bears a direct relationship to the activities conducted on the premises on which it is located.

**PARAPET:** The extension of a building facade above the line of the structural roof.

**POLITICAL SIGN:** A temporary sign intended to advance a political statement, cause, or candidate for office.

**PORTABLE SIGN:** Any sign not permanently attached to the ground or to a building.

**POSTER:** A temporary sign no more than eight square feet in area printed on cardboard, paper or other similar nondurable material.

***PREMISES:*** A single residence, building or place of business and the land on which it sits.

***PROJECTING SIGN:*** A sign attached directly to a building wall, which extends more than 10 inches from the face of the wall, including, without limitation, so-called "shingle signs."

***REAL ESTATE SIGN:*** A temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.

***ROOFLINE:*** The uppermost line of the roof of a building or, in the case of an extended facade or parapet, the uppermost line of said facade or parapet.

***ROOF SIGN:*** Any sign mounted on a roof or projecting above a roofline. Roof signs are prohibited in all districts.

***SANDWICH BOARD SIGNS:*** An A-frame, T-frame, sidewalk, or curb sign. Sandwich board signs are allowed in business and industrial districts by permit.

***SIGN:*** Any device visible from a public place whose design is to convey commercial or noncommercial messages by means of graphic presentation of alphanumeric or pictorial symbols or representations. Noncommercial flags or any governmental flags displayed from flagpoles or staffs will not be considered to be signs.

***SIGN STRUCTURE:*** Any structural element designed to support a sign.

***STREET LINE:*** The boundary of the public right-of-way and private property.

***SUBSTANTIAL CHANGE, IMPROVEMENT OR REPLACEMENT:*** Change, improvement or replacement of a sign which modifies an existing sign in any aspect except its color, and which affects greater than 20% of the total area of a sign, including the background. Proper maintenance of signs is permitted and encouraged.

***TEMPORARY SIGN:*** A sign intended to display either commercial or noncommercial messages of a temporary nature. Any sign not permanently embedded in the ground, nor permanently affixed to a building or sign structure that is permanently embedded in the ground, is considered a temporary sign.

***TRAVELED WAY:*** The portion of a street which is surfaced for vehicular traffic. The "traveled way" may not coincide with the street line.

***UNDER CANOPY SIGN OR UNDER MARQUEE SIGN:*** A sign attached to the underside of a canopy or marquee.

**V-SIGN:** A sign containing two faces, positioned at an interior angle of less than 30°. Any sign whose two faces are positioned at an interior angle greater than 30° is not permitted.

**WALL SIGN:** A sign painted on or attached directly to the surface of a building wall and extending not more than 10 inches from the face of such wall.

**WINDOW SIGN:** A sign on exterior windowpanes or glass or placed inside an exterior window or door and intended to be visible from the exterior of the premises.

### 146-3. General Requirements.

1. **Abandoned Signs.** Any on-premises sign which advertises a business no longer conducted at the premises, or any off-premises sign which advertises a business no longer conducted at its separate premises, shall be removed by the owner, or if the owner fails to do so, by the Building Inspector, within 120 days of abandonment or cessation of such business.

2. **Color.** No sign, except for posters or temporary signs, shall use any day-glow or fluorescent colors on either its copy or background.

3. **Safe Condition.** All signs shall be maintained in good repair, in good structural condition and in compliance with all building and electrical codes. No sign shall be erected that obstructs any door, window or fire escape or otherwise interferes with the proper functioning of any building. No sign shall constitute a hazard to public safety or health by reason of its location, inadequate maintenance, dilapidation, abandonment, or by causing any obstruction of sight distances for vehicular traffic or interference with pedestrian safety.

4. **Sign Posts.** Sign posts and supports shall not contain lettering and shall be kept plumb and in good condition.

5. **Traffic Sight Lines.** No sign shall be erected that obstructs traffic sight lines for drivers or pedestrians. A freestanding sign shall not be placed within the triangle formed by connecting the intersection of any street lines with the points on each street line 20 feet from such intersection.

6. **Trees and Poles.** No sign shall be permitted on trees, light poles, telephone poles, or street identification signs except such signs as are erected by the Town of Great Barrington or the Commonwealth of Massachusetts for traffic or pedestrian safety purposes.

### 146-4. Types of Signs.

1. **Animated Signs.** Rotating signs, animated signs, rotating beacons, electronic message signs or centers and otherwise moving signs shall be prohibited in all zoning districts.



2. ***Awnings and Awning Signs.*** Awnings shall not extend more than eight feet over the public right-of-way. Awnings shall not be closer than three feet to the face of curbline. No portion of any awning sign (or such awning on which it is located) shall be lower than 10 feet above grade. If projecting over an alley or driveway subject to vehicular traffic, the clearance must be at least 13 feet. All awnings shall comply with other applicable ordinances and regulations. Signs which overhang a public way (including sidewalks) shall be covered by a bond or insurance in accordance with this Chapter. The framework supporting the awning shall be securely anchored to the building. The method of attachment as well as the anticipated structural, wind and other loads, shall be detailed on the application, and shall be approved in writing by the Building Inspector. No awning signs shall be allowed in any residential district.

3. ***Freestanding Signs.*** The top of a freestanding sign shall not exceed a height five feet greater than the distance from the traveled way (measured perpendicularly from the traveled way to the base of the pole) or 20 feet above the traveled way, whichever is less. A freestanding sign shall not be placed within 10 feet of the traveled way. It is the applicant's responsibility to determine that the freestanding sign is being placed on the applicant's property. If a freestanding sign is placed within 20 feet of a traveled way, it shall have a minimum clearance of eight feet between grade and the bottom of the sign or shall not be higher than five feet above grade. No freestanding sign shall be allowed to be constructed in such a fashion as to obstruct traffic sight lines or otherwise impair pedestrian or vehicular safety. No freestanding signs shall be permitted in a residential district, unless otherwise exempted by this Chapter. Freestanding signs shall be limited in size as specified herein.

4. ***Illuminated Signs.*** Any illuminated sign shall employ only lights emitting a constant intensity; no sign shall be illuminated by a flashing, intermittent, rotating, or moving light. In no event shall an illuminated sign or lighting device be placed or directed to permit the beam or illumination to cause glare or reflection that may constitute a traffic hazard or nuisance. Illuminated signs adjacent to a residential district shall be either turned off between 11:00 p.m. and 6:00 a.m. or screened to prevent a beam or illumination from shining onto any other property. No illuminated sign shall be permitted in any residential district, unless otherwise excepted in this Chapter. Any internally illuminated sign shall use a background less luminous and darker than the copy, so that the light shines predominantly through the copy and not through the background. Signs with exposed neon or other glowing tubes located less than 8 1/2 feet above ground shall be mounted only inside windows and shall qualify as window signs. The allowed level of illumination of internally illuminated signs is designated in a chart available in the office of the Town Clerk. All internally illuminated signs shall comply with the standards set forth upon that chart.

5. ***Laser/Holographic Signs.*** Laser/holographic signs shall be prohibited in all zoning districts.

6. **Marquees.** The changeable copy of marquee signs shall contain only advertising for current or upcoming events. Each marquee shall be constructed to meet the following requirements:

- a. It shall be equipped with gutters and conductors for the purpose of draining water toward the building to which it is attached, and shall not discharge ice, water or snow onto the street or the walk.
- b. If such marquee shall be glazed, it shall be glazed with laminated or wire glass not less than one-quarter of an inch in thickness and be safely supported.
- c. It shall safely support its own weight plus a superimposed load of 30 pounds per square foot, equally distributed, in addition to any concentrated load to which it may be subjected.
- d. There shall be a minimum clearance of 10 feet between the underside of the marquee at its lowest point and the sidewalk. If projecting over an alley or driveway subject to vehicular traffic, the clearance must be at least 13 feet.
- e. No under-marquee signs are allowed.
- f. Marquee signs are allowed only upon the premises of theaters or cinemas.
- g. Marquee signs shall require a special permit from the Planning Board. A condition of such permit shall be that the applicant shall provide drawings signed and stamped by an engineer which shall detail the structural integrity of the marquee.
- h. The Building Inspector shall be required to inspect and approve the installation of the marquee to assure that it is in compliance with the submitted plans.

7. **Portable Signs.** Portable signs, including movable wheeled signs of any kind, shall be prohibited in all districts, except for the following:

- a. Those painted or affixed to a duly registered motor vehicle, provided that such vehicle is not continuously parked in one location for a period in excess of two weeks or is used in the day-to-day operation of the business conducted at the premises where the vehicle is parked.
- b. Temporary signs otherwise in compliance with this Chapter.
- c. Political signs.

8. **Projecting Signs.** Projecting signs shall not extend more than three feet from the building. Projecting signs shall not be closer than three feet to the face of a curblin. No portion of any projecting sign shall be lower than 10 feet above grade. If projecting over

an alley or driveway subject to vehicular traffic, the clearance must be at least 13 feet. Signs which overhang a public way (including sidewalks) shall be covered by a bond or insurance. The framework supporting the projecting sign shall be securely anchored to the building. The method of attachment as well as the anticipated structural, wind and other loads, shall be detailed on the application, and shall be approved in writing by the Building Inspector. No projecting signs shall be allowed in any residential district.

9. **Roof Signs.** No roof signs shall be permitted in any zoning district.

10. **Sandwich Board Signs.** Sandwich board signs shall be allowed in business and industrial districts only. The Building Inspector shall issue only one sandwich board sign permit to each business, which shall cover all sandwich board signs owned by the business. The permit shall specify the location for the sign to be displayed. The applicant shall present an insurance binder naming the Town as an additional insured with the permit application. The sandwich board sign permit shall be renewed annually. Each business may display only one sandwich board sign at a time. Sandwich board signs may only be displayed when the business holding the permit is open. No sandwich board sign may be displayed that reduces the sidewalk width to less than four feet. Sandwich board signs shall not exceed six square feet on each side and shall only have two sides; the maximum width of the sign shall be two feet. The area of the sandwich board signs shall not be counted toward the aggregate permanent sign area for the business. Each sandwich board sign shall be displayed adjacent to the building in which the business is located but no more than 50 linear feet from the main entrance of the building in which the business is located, except that a sandwich board sign may be displayed on property not owned, leased or rented by the business only if: 1) the permit application includes a letter from the property owner granting permission for the sandwich sign; and 2) the Building Inspector determines the location to be in as close proximity to the business as practicable. The sign shall be properly secured to prevent becoming a hazard to pedestrians or property. The sign shall comply with all regulations of the Department of Public Works and the Historic District where applicable.

11. **Temporary Signs for Business Premises.** Temporary signs (other than posters) shall not be posted for more than 30 continuous days. Posters shall not be displayed for more than 45 continuous days. If any premises shall have any temporary signs or posters posted for more than 120 days in any calendar year, all such signs at such premises shall be considered permanent signs for the purposes of this Bylaw, and shall be regulated accordingly. Temporary signs must be removed promptly when the event advertised is concluded. Temporary signs shall not be placed closer than 10 feet to the traveled way. There shall be a maximum of two temporary signs per business, with a maximum area per sign of eight square feet, the area of which shall not be counted towards the aggregate permanent sign area permitted for the business. Temporary window signs are separately regulated hereunder.

12. **Traffic Signs.** No sign shall use amber, red or green lights resembling traffic signals, or the words "stop," "caution," "danger," or other word, phrase, symbol, shape or character that might be construed as a public safety warning or traffic sign.

13. **Window Signs.** Permanent window signs shall not exceed in aggregate area 50% of the total square footage of the window or glass door on which they are located. Any area of window signs, except temporary window signs, shall be deducted from the maximum allowable area of signs for the premises, and shall in no event exceed that maximum allowable area of signs. Temporary window signs, posted for no longer than 30 days may cover up to 50 square feet in the aggregate without counting towards the aggregate allowed area of signs. Any temporary window signs in excess of 50 square feet shall be counted against the aggregate allowed area of signs. Regulations regarding size and illumination shall apply to window signs as to other building-mounted signs within the zoning district in question. No window signs, permanent or temporary, shall be allowed in any residential district.

**146-5. Signs Allowed in Specified Districts Which Do Not Require a Permit from The Building Inspector.** No permits are required for the following signs. Such signs are exempt from the requirements of this Chapter.

1. **Governmental Flags.** Governmental flags and governmental insignia, except when displayed with a commercial message or in connection with a commercial promotion, are allowed in all districts. Governmental flags and insignias displayed on motor vehicles offered for sale shall be considered to be displayed in connection with a commercial purpose.

2. **Historic Signs.** Historic signs are allowed in all districts.

3. **Historical Markers.** Historical markers erected or placed by a historical association, governmental agency or owner of property that has been placed on the State or Federal Register of Historic Places are allowed in all districts.

4. **Holiday Lights.** Holiday lights and decorations that do not include a commercial message and that are displayed for a limited period of time are allowed in all districts.

5. **Incidental Signs.** Incidental signs are allowed in all districts.

6. **Information and Directional Signs.** Informational and directional signs no greater than two square feet in area each, directing traffic to hospitals, parking areas, cultural institutions and commercial areas or other permitted uses, are allowed in all districts.

7. **Legal Notices.** Legal notices and identifications not exceeding two square feet in area, including "No Trespassing" and "No Hunting" signs are allowed in all districts.

8. **Memorial Signs.** Memorial signs, plaques, or tablets no greater than eight square feet each are allowed in all districts.

9. **Noncommercial Signs.** Signs having no commercial message and which bear only house numbers, post box numbers, names of residents, or identification of premises and

do not exceed two square feet in aggregate area per premises are allowed in all districts. The sign may include identification of an on-premises professional office or customary home occupation allowed by this Bylaw.

10. **Real Estate Signs.** One "For Sale," "For Rent" or "For Lease" sign is allowed per premises in any district. Such sign shall not exceed eight square feet in area per premises in a nonresidential district or six square feet in area per premises in a residential district and shall advertise for sale or for rent only the premises upon which the sign is located. The sign shall be removed promptly when the advertised sale or rental is concluded. Such signs shall be set back at least three feet from the street line or 10 feet from the traveled way, whichever is greater. Real estate sales agencies shall obtain an annual license from the Board of Selectmen, in accordance with the Board's Policies and Procedures, for the erection of real estate signs which shall advertise only properties which they have for sale or lease or rent.

11. **Signs Exempted by Law.** Signs described in G.L. c. 93, Section 32, are allowed in all districts.

12. **Temporary Signs in Residential Districts.** Temporary signs not to exceed eight square feet in aggregate area are allowed in residential districts. They shall not be posted for more than 30 continuous days.

13. **Temporary Window Signs in Business and Industrial Districts Only.** Temporary window signs are allowed in business and industrial districts.

14. **Vending Machine Signs.** Permanent signs on vending machines, gas pumps, ice containers or similar devices indicating only the contents of such devices and prices of the merchandise are allowed in business and industrial districts only.

15. **Works of Art.** Works of art that do not include a commercial message are allowed in all districts.

**146-6. Signs Allowed in Specified Districts Requiring a Permit from the Building Inspector, But with No Payment of a Fee.** The following signs are allowed in all districts (except as noted) with a permit from the Building Inspector, with no fee or posting of a bond required, provided that the sign meets all other requirements of this Bylaw.

1. **Banners.** Banners may be hung along the wall of a building or they may span a public way. Banners shall have a maximum square footage equal to four times the width of the vehicular traveled way over which they are suspended, or, in the event they are hung on a building facade, they shall not exceed 200 square feet in area. They shall be removed within five business days of the date on which the event they are advertising is concluded. A maximum of two banners per event shall be permitted. Banners suspended over public property or any street must also obtain a permit from the Board of Selectmen as required under the general bylaws of the town, and shall post a bond in accordance herewith. Banners shall be allowed only in business and industrial districts.

2. ***Civic Organizations.*** One bulletin board sign per premises not to exceed 24 square feet in area for any of the following organizations: religious institution, school, museum, civic or service organization, community recreational facility, or library. Such sign shall indicate only the name and current or upcoming activities of the organization. Bulletin board signs are allowed in all districts.
3. ***Construction Site Signs.*** Signs on active construction sites denoting the owner, contractor, consultants, or funding agency not to exceed 24 square feet in area in the aggregate per site in nonresidential districts or six square feet in area in the aggregate per site in residential districts. Signs shall be removed from the site within seven days of the completion of construction.
4. ***Decorative Flags and Pennants.*** In commercial and industrial zones there shall be no more than two decorative flags or pennants per premises. Strings of pennants are prohibited.
5. ***Directional Signs.*** Directional signs for the purpose of giving directions to a religious institution, school, museum, community recreational facility, library, licensed innholder, or other permitted uses, not to exceed two square feet in area, and subject to applicable regulations of the Department of Public Works and the Highway Department.
6. ***Entry-way Signs.*** Signs on an entry-way to the town containing information regarding community or civic organizations, not to exceed either one sign per entry-way per organization no larger than four square feet in area each or one sign per entryway for all such organizations no larger than 16 square feet in area; all such signs subject to applicable regulations of the Department of Public Works and the Highway Department.
7. ***"Open" Flags.*** "Open" flags shall be allowed in business or industrial districts. One flag shall be allowed per premises, in good repair, no larger than six square feet in area, without a commercial message, displayed only while the business conducted at the premises is open, and indicating that the business conducted at the premises is open.
8. ***Posters.*** Posters of religious, charitable, civic, fraternal, political, or similar organizations or of candidates for political office and not to exceed eight square feet in area each.
9. ***Sandwich Board Signs.*** Sandwich board signs are allowed in business and industrial districts by permit.
10. ***Temporary Signs in Nonresidential Districts.*** Temporary signs not to exceed 16 square feet in aggregate area per premises in a nonresidential district.
11. ***Temporary Signs for Temporary Events.*** Temporary signs for temporary events are permitted. Each temporary event may display only up to six (6) temporary signs per event. No temporary sign may be more than 9 square feet in area. Temporary signs may

be erected not more than 24 hours prior to the event and must be removed not later than 24 hours after the event. Temporary signs may be placed in an off premises location only if the permit application includes a letter from the property owner granting permission for the temporary sign, or, in the case of a location within a road right-of-way, a letter from the Department of Public Works or the Massachusetts Department of Transportation granting permission for the temporary sign. Temporary signs shall be properly secured to prevent becoming a hazard to pedestrians or property. Temporary signs shall comply with all regulations of the Department of Public Works and the Historic District where applicable. If temporary events are to be held on a regular, recurring schedule over the course of a season, one permit application may be filed to cover each occurrence, provided all event dates are listed, and provided that the permit may be revoked for future events in the case of noncompliance.

**146-7. Signs Allowed in Residential Districts Which Require Permit from the Building Inspector and Payment of a Fee.** The following signs are allowed in residential districts. Such signs require a permit from the Building Inspector and payment of a fee as set forth herein.

1. *Hospitals, Nursing Homes and Other Institutional Uses Allowed in a Residential District.* Hospitals, nursing homes and other institutional uses allowed in a residential district, whether by right or by special permit, shall be allowed to have such signs as can be demonstrated as necessary to the safety and well being of the community, with fee waived. These include internally illuminated signs indicating Emergency Room entrances, and such other similar signs as are necessary. In all other respects, they shall conform to the limitations and restrictions set forth in this Bylaw.

2. *Nonresidential Use in Residential District.* One on-premises sign per premises advertising a permitted nonresidential use in a residential district (other than permitted home occupations), not to exceed 12 square feet in area.

3. *Subdivision Signs.* One sign, per entrance from a public way to the subdivision, advertising any real estate development or subdivision, not to exceed 12 square feet in area each.

**146-8. Signs Allowed in Business and Industrial Districts which Require Permit from the Building Inspector and Payment of a Fee.** The following signs in business and industrial districts require a permit from the Building Inspector and payment of a fee as set forth herein, subject to the following restrictions.

1. *Awning Signs.* Awning signs are permitted in business or industrial districts. On any elevation of an awning, a maximum square footage of two square feet shall be allowed. No awning shall be allowed to have more than four square feet of signs. All signs on an awning shall be counted against the aggregate allowed area of signs. No awning sign shall be illuminated.

2. **Billboards.** Preexisting billboards in compliance with Sections 29 through 33, Article 93, Massachusetts General Laws, and this Bylaw, which were in existence prior to the adoption of this Bylaw are permitted. No new billboards shall be permitted to be erected.

3. **Building-Mounted On-Premises Signs.** Any one facade of a business in a business or industrial district shall be allowed one or more on-premises building-mounted signs which shall not exceed in aggregate area the lesser of 10% of the surface area of the facade of the building to which the sign is attached, or 150 square feet. These may be wall signs, window signs, projecting signs, directory signs and any other permitted sign type. A business with two or more facades visible from paved public ways or public parking areas shall be allowed additional on-premises sign or signs directed toward such public ways or parking areas which shall not exceed 50 additional square feet in aggregate area per facade. No single building-mounted on-premises sign shall exceed 100 square feet in area. Any off-premises signs for a business shall be treated as separate from the on-premises signs and shall not count towards the aggregate allowed area.

4. **Business Center Signs.** In addition to other signs allowed to individual businesses, a business center shall be allowed one freestanding sign not to exceed 100 square feet in area and only for the purpose of identifying the business center and the individual businesses. Signs for any individual business mounted on the business center sign shall not exceed 10 square feet. The portion identifying the common business center itself shall not exceed 24 square feet. All signs included on such common business center sign shall be similar with regard to material, coloring, lighting, lettering and other characteristics. A business center sign, if utilized, shall be the only freestanding sign allowed along the road frontage of any business center.

5. **Freestanding Signs.** Except for business center signs as described herein, a freestanding sign in a business or industrial district shall not exceed the lesser of 0.50 square foot per foot of frontage along the primary road frontage of the lot on which the sign is located or 24 square feet in size. There shall be a limit of one freestanding sign per premises in any permitted district, unless excepted herein. If the premises is a corner lot on two public ways, then a freestanding sign may be allowed on each street.

6. **Motor Vehicle Fuel Stations.** Motor vehicle fuel facilities are allowed to have the a sign located on the vertical surface(s) of any attached or freestanding canopy(s). The maximum area of signs on a canopy(s) on a gas station's premises shall be 18 square feet. These canopy-mounted signs shall be allowed in addition to the freestanding signs permitted hereunder.

7. **Off-Premises Signs.** Any freestanding off-premises sign which is not a billboard shall conform to the conditions and limitations set forth herein. Any building-mounted off-premises sign shall count towards the aggregate allowed area of signs of the building on which it is mounted.

8. **Projecting Signs.** Projecting signs shall be allowed in business or industrial districts only. Only one projecting sign shall be allowed per business, and shall be allowed only



instead of, not in addition to, any permitted freestanding signs. Projecting signs shall not exceed 15 square feet in area. Projecting signs shall require the posting of a bond.

**146-9. Signs Requiring a Special Permit.** The following signs require a special permit from the Planning Board, and require a permit from the Building Inspector and payment of a fee.

1. **Marquee Signs.** Marquee signs may be permitted only on the premises of theaters or cinemas within business and industrial districts, and shall comply with all the conditions set forth herein, as well as any other conditions of this Bylaw. No marquee sign shall be permitted in any residential district. Marquee signs shall not exceed 50 square feet on each visible surface of the marquee. No under marquee signs are allowed. A special permit from the Planning Board is required as well as a sign permit from the Building Inspector and payment of a fee. Marquee signs shall require the posting of a bond, or liability insurance coverage.

**146-10. Permit Application.** For all signs requiring a permit, the owner of the premises (or owner's agent) shall apply to the Building Inspector for the issuance of a sign permit on such application form as shall be acceptable to the Building Inspector. All applications shall indicate the size, location, lighting, materials, method of attachment, other specifications for each proposed sign, as well as proof of bonding or insurance certifications where required. The Building Inspector shall be responsible for the review of the application, issuance of the sign permit, and enforcement of the provisions of this Bylaw. The Building Inspector may, at his discretion, consult with any town board or department regarding an application for a sign permit. The Building Inspector shall act upon a completed sign application within 60 days of its receipt. Each permit issued under the provisions of this Bylaw shall continue in effect until the sign is removed or the sign permit is revoked, canceled or otherwise terminated. The granting of a sign permit shall not relieve the owner or operator from procuring any permit or license required by any other provision of law or of this Bylaw or other ordinances of the town.

**146-11. Fees.** For all signs which require the payment of fees for the issuance of a sign permit, said fees shall be established by the Town Manager with the approval of the Board of Selectmen, in accordance with the Town Code, and may be amended from time to time. A schedule of fees is available in the Town Clerk's office. Fees shall be made payable to the "Town of Great Barrington, Office of the Building Inspector," upon the issuance of the sign permit.

**146-12. Security.** Banners suspended over public property or public ways, as well as projecting signs and marquees, require the posting of a bond or other acceptable security with the Building Inspector, satisfactory to the Town Counsel as to form, and in the penal sum hereinafter set forth, duly executed by the applicant and a surety company qualified to do business in the commonwealth, conditioned to indemnify the town against any and all claims (including any and all legal costs) for personal injuries, consequential damages, and death, or damage to property resulting from the placing, construction, or maintenance or removal of such sign, and further conditioned to pay all judgments obtained against the owner or operator of the premises upon or to which the sign is to be placed, or against any person subsequently becoming the owner or operator of such premises, or the owner of such sign, or liable for its proper maintenance, by reason of personal injuries or damage to property resulting from the placing, construction or

maintenance or removal of such sign. The penal sum of such bonds or security shall be established by the Town Manager with the approval of the Board of Selectmen, in accordance with the Town Code, and may be amended from time to time. A schedule of fees is available in the Town Clerk's office. Such bond or one similar in effect and amount shall be maintained in force for each such sign as long as the sign is in place or until permission is given by the Building Inspector to release or discharge the bond. A liability insurance policy giving the same protection to the town may be substituted for such bond. Annual certification that a bond or liability insurance policy is in effect shall be submitted to the Town Clerk and the Building Inspector. The failure to maintain such bond in force may be cause to terminate the sign permit under which such sign was erected and maintained. The office of the Town Clerk shall be notified if the insurance policy or bond is reduced or canceled.

**146.13. Nonconforming Signs.** A sign erected prior to the effective date of this Chapter which was permitted by previous regulations contained in this Bylaw or other bylaws of the town but which is not in conformity with the provisions of this Chapter shall be considered a nonconforming sign, except that any sign erected prior to the effective date of this Chapter and which is in compliance with all sections of this Chapter may be maintained and shall not be considered a nonconforming sign. Nonconforming signs may be maintained, except as hereafter provided:

1. A nonconforming sign shall not be changed to another sign not in conformity with this Chapter.
2. A nonconforming sign shall be brought into compliance with this Chapter if the owner of a nonconforming sign substantially changes, improves, or replaces the nonconforming sign.
3. A nonconforming sign shall be brought into compliance with this Chapter if the owner of a premises upon which a nonconforming sign is located shall change the use of the premises, or shall change the location of the sign, the building, or the property line in a manner that renders the sign to be nonconforming.

**146-14. Removal of Conforming and Nonconforming Signs.** A nonconforming sign shall not be maintained or reestablished after the activity, business, or usage to which it relates has been discontinued or ceases to operate for 120 days or longer. Such nonconforming sign shall be removed by the permit holder or the owner of the premises upon order of the Building Inspector. A sign which conforms to this Chapter shall be removed after the activity, business, or usage to which it relates has been discontinued or ceases to operate for 120 days or longer. Such conforming sign shall be removed by the permit holder or the owner of the premises upon order of the Building Inspector.

**146-15. Violations.** Violations of this Bylaw shall be penalized by the imposition of a fine pursuant to the Town Code.

**146-16. Enforcement.** The Building Inspector is authorized to order the repair or removal of any sign and its supporting structure which, in his judgment, is abandoned, dangerous, in

disrepair or maintained contrary to this Chapter. The owner of the premises shall be responsible for reimbursing the town for all expenses of removing and disposing of any such sign. Failure to maintain any bond or insurance required hereunder may be cause for the Building Inspector to order the removal of a sign.

**146-17. Transfer of Ownership.** Upon the sale or transfer of ownership of any sign, or business or premises to which a sign relates, the new owner shall file with the Building Inspector a written application for the transfer of the sign permit for such sign. Such application shall be accompanied by a certification that such sign complies with the provisions of this Bylaw. Such sign permit shall be transferred by the Building Inspector, subject to the filing of any necessary bond by the applicant.

**146-18. Appeals.** Any person having a legal interest in the sign, including the sign owner, business owner or property owner or any abutter to the property on which the sign is located, or any town board, may appeal the decisions of the Building Inspector regarding permits, enforcement or other matters pertaining to this Signs Article by filing a written notice of appeal with the Great Barrington Zoning Board of Appeals. The Zoning Board of Appeals shall hold a public hearing in order to determine if the decisions should be upheld, enforced, modified or overturned.

**146-19. Site Plan Review.** The Planning Board shall ensure compliance with the provisions of Chapter 146 as part of the site plan approval process set forth in Section 10.5 of the Zoning Bylaw.

**146-20. Special Permit.** The Planning Board may, by special permit, authorize a deviation from any sign requirement set forth in this Chapter 146, provided that such relief shall not result in substantial detriment to the neighborhood.

Town of Great Barrington

Signs in Residential Districts

CODES:

- NP = No permit required
- NA = Not allowed in district
- C = Conditions in the district
- ANF = Allowed in the district with permit, no fee
- AF = Allowed in the district with permit and fee
- PE = Pre-existing only

Section	District	R-1-A		R-1-B		R-2		R-3		R-4	
		Code	Maximum Allowed Size in Square Feet	Code	Maximum Allowed Size in Square Feet	Code	Maximum Allowed Size in Square Feet	Code	Maximum Allowed Size in Square Feet	Code	Maximum Allowed Size in Square Feet
171-92.2	Animated signs	NA		NA		NA		NA		NA	
171-92.3 &	Animated signs	NA		NA		NA		NA		NA	
171-94.31	Awning signs	NA		NA		NA		NA		NA	
171-94.11	Banners	NA		NA		NA		NA		NA	
171-94.32	Billboards	NA		NA		NA		NA		NA	
171-94.33	Building-mounted out-premise sign	NA		NA		NA		NA		NA	
171-94.12	Bulletin board sign for civic organizations	ANF	24	ANF	24	ANF	24	ANF	24	ANF	24
171-94.13	Construction site signs	ANF	6	ANF	6	ANF	6	ANF	6	ANF	6
171-94.15	Directional signs	ANF	2	ANF	2	ANF	2	ANF	2	ANF	2
171-94.16	Entry-way signs	ANF	4 or 16	ANF	4 or 16	ANF	4 or 16	ANF	4 or 16	ANF	4 or 16
171-92.5 &	Freestanding signs	NA		NA		NA		NA		NA	
171-94.35	Governmental flags	NP	2	NP	2	NP	2	NP	2	NP	2
171-93.1	Historic signs	NP		NP		NP		NP		NP	
171-93.2	Historical markers	NP		NP		NP		NP		NP	
171-93.3	Holiday lights	NP		NP		NP		NP		NP	
171-93.4	Hospitals, nursing homes in residential districts	AF/ANF/C	See text	AF/ANF/C	See text	AF/ANF/C	See text	AF/ANF/C	See text	AF/ANF/C	See text
171-94.21	Illuminated signs	NA		NA		NA		NA		NA	
171-92.6	Incidental signs	NP	2	NP	2	NP	2	NP	2	NP	2
171-93.5	Informational and directional signs	NP	2	NP	2	NP	2	NP	2	NP	2
171-93.6	Landscape/signage	NA		NA		NA		NA		NA	
171-92.7	Legal notices	NP	2	NP	2	NP	2	NP	2	NP	2
171-92.8 &	Marquees	NA		NA		NA		NA		NA	
171-94.41		NA		NA		NA		NA		NA	

Ch. 146, p. 18

Town of Great Barrington

Section	District	R-1-A		R-1-B		R-2		R-3		R-4	
		Code	Maximum Allowed Size in Square Feet	Code	Maximum Allowed Size in Square Feet	Code	Maximum Allowed Size in Square Feet	Code	Maximum Allowed Size in Square Feet	Code	Maximum Allowed Size in Square Feet
171-93.8	Sign Type	NP	8	NP	8	NP	8	NP	8	NP	8
171-93.8	Memorial signs	NP	2	NP	2	NP	2	NP	2	NP	2
171-93.9	Noncommercial signs	NP		NP		NP		NP		NP	
171-94.22	Nonresidential use in residential district	AF	12	AF	12	AF	12	AF	12	AF	12
171-94.37	Off-premises signs	NA		NA		NA		NA		NA	
171-94.17	Open flags	NA		NA		NA		NA		NA	
171-92.9	Portable signs	NAC		NAC		NAC		NAC		NAC	
171-94.18	Posters	ANF/C	8	ANF/C	8	ANF/C	8	ANF/C	8	ANF/C	8
171-92.10 &	Projecting signs	NA		NA		NA		NA		NA	
171-94.38	Real estate signs	NP	6	NP	6	NP	6	NP	6	NP	6
171-93.10	Roof signs	NA		NA		NA		NA		NA	
171-92.11	Signs exempted by law & (C) c.	NP		NP		NP		NP		NP	
171-93.11	93 & 32	AF/C	12	AF/C	12	AF/C	12	AF/C	12	AF/C	12
171-91.23	Subdivision signs	NP	8	NP	8	NP	8	NP	8	NP	8
171-93.12	Temporary signs	NP		NP		NP		NP		NP	
171-92.14	Temporary signs for business premises	NA		NA		NA		NA		NA	
171-93.14	Vending machine signs	NA		NA		NA		NA		NA	
171-92.18	Window signs	NA		NA		NA		NA		NA	
171-93-15	Works of art	NP		NP		NP		NP		NP	

Ch. 146, f. 17

Town of Great Barrington

Signs in Business and Industrial Districts

CODES:

- NP = No permit required
- NA = Not allowed in district
- C = Conditions in the district
- ANF = Allowed in the district with permit, no fee
- AF = Allowed in the district with permit and fee
- PE = Preexisting only

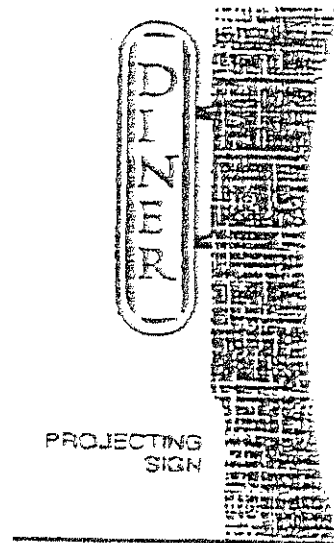
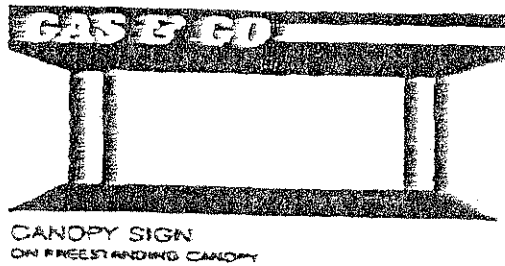
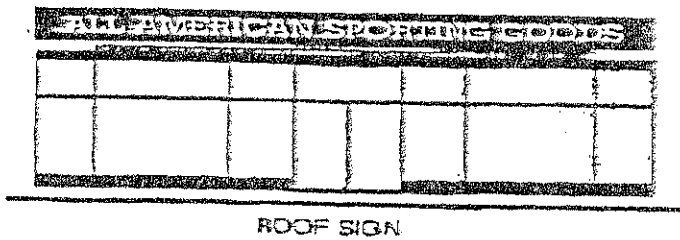
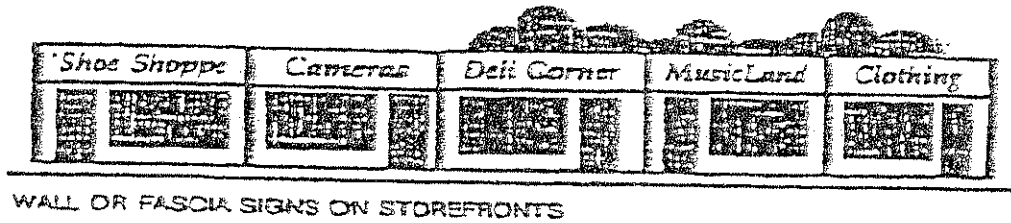
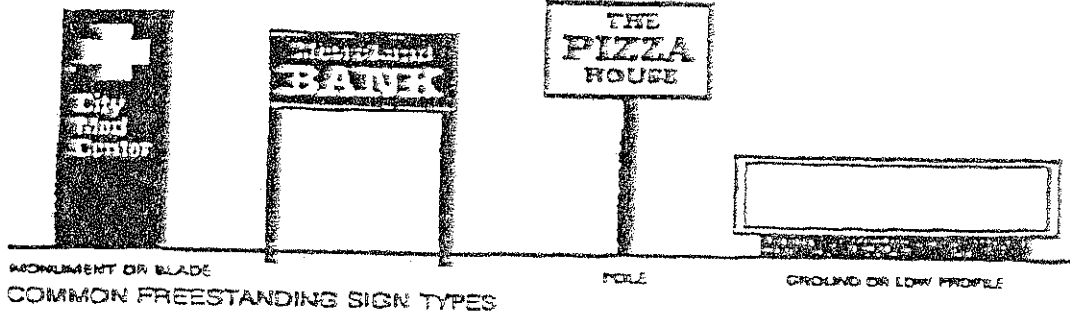
Section	District	B		B-1		B-2		B-2-A		Code	Maximum Allowed Size in Square Feet
		Code	Maximum Allowed Size in Square Feet	Code	Maximum Allowed Size in Square Feet	Code	Maximum Allowed Size in Square Feet	Code	Maximum Allowed Size in Square Feet		
171-92.2	Animated signs	NA		NA		NA		NA		NA	
171-92.3 & 171-94.31	Awning signs	AF/C	4 times width of 200	AF/C	4 times width of 200	AF/C	4 times width of 200	AF/C	4 times width of 200	AF/C	4 times width of 200
171-94.11	Banners with permit from Selectmen	ANF/C	10% or 150 maximum per sign and 50 per façade	ANF/C	10% or 150 per sign and 50 per façade	ANF/C	10% or 150 per sign and 50 per façade	ANF/C	10% or 150 per sign and 50 per façade	ANF/C	10% or 150 per sign and 50 per façade
171-94.32	Billboards	PE/NA		PE/NA		PE/NA		PE/NA		PE/NA	
171-94.33	Building-mounted on-premise sign	AF/C		AF/C		AF/C		AF/C		AF/C	
171-94.12	Bulletin board sign for civic organizations	ANF	24	ANF	24	ANF	24	ANF	24	ANF	24
171-94.34	Business center signs	AF	100	AF	100	AF	100	AF	100	AF	100
171-94.13	Construction site signs	ANF	24	ANF	24	ANF	24	ANF	24	ANF	24
171-94.14	Decorative flags/periments	ANF	2 per	ANF	2 per	ANF	2 per	ANF	2 per	ANF	2 per
171-94.15	Directional signs	ANF	2	ANF	2	ANF	2	ANF	2	ANF	2
171-94.16	Entry-way signs	ANF	4 or 16	ANF	4 or 16	ANF	4 or 16	ANF	4 or 16	ANF	4 or 16
171-92.5 & 171-94.35	Freestanding signs Gas stations canopy signs	AF	0.5 per foot footage or 24 maximum	AF	0.5 per foot footage or 24 maximum	AF	0.5 per foot footage or 24 maximum	AF	0.5 per foot footage or 24 maximum	AF	0.5 per foot footage or 24 maximum
171-94.36	Freestanding	AF	18	AF	18	AF	18	AF	18	AF	18
171-93.1	Governmental flags	NP		NP		NP		NP		NP	
171-93.2	Historic signs	NP		NP		NP		NP		NP	
171-93.3	Historical markers	NP		NP		NP		NP		NP	

Town of Great Barrington

District		B		B-1		B-2		B-2-A		I	
Section	Sign Type	Code	Maximum Allowed Size in Square Feet	Code	Maximum Allowed Size in Square Feet	Code	Maximum Allowed Size in Square Feet	Code	Maximum Allowed Size in Square Feet	Code	Maximum Allowed Size in Square Feet
171-93.4	Holiday lights	NP		NP		NP		NP		NP	
171-92.6	Illuminated signs	AF		AF		AF		AF		AF	
171-93.5	Incidental signs	NP	2	NP	2	NP	2	NP	2	NP	2
171-93.6	Informational and directional signs	NP	2	NP	2	NP	2	NP	2	NP	2
171-92.7	Laser/photographic signs	NA		NA		NA		NA		NA	
171-93.7	Legal notice	NP	2	NP	2	NP	2	NP	2	NP	2
171-92.8 & 171-94.11	Managers, with permit from Selectmen	AF/C	50 per surface	AF/C	50 per surface	AF/C	50 per surface	AF/C	50 per surface	AF/C	50 per surface
171-93.8	Memorial signs	NP	8	NP	8	NP	8	NP	8	NP	8
171-93.9	Noncommercial signs	NP	2	NP	2	NP	2	NP	2	NP	2
171-94.37			10% or 150 maximum 100 per sign		10% or 150 maximum 100 per sign		10% or 150 maximum 100 per sign		10% or 150 maximum 100 per sign		10% or 150 maximum 100 per sign
171-94.35	Off-premises signs	AF	6	AF	6	AF	6	AF	6	AF	6
171-94.17	Open flags	ANF		ANF		ANF		ANF		ANF	
171-92.9	Portable signs	N/A/C		N/A/C		N/A/C		N/A/C		N/A/C	
171-94.18	Posters	ANF	8	ANF	8	ANF	8	ANF	8	ANF	8
171-92.10 & 171-94.38	Protecting signs	AF	15	AF	15	AF	15	AF	15	AF	15
171-93.10	Real estate signs	NP	8	NP	8	NP	8	NP	8	NP	8
171-92.11	Roof signs	NA		NA		NA		NA		NA	
171-93.11	Signs exempted by law AKG1.	NP		NP		NP		NP		NP	
171-94.23	Subdivision signs	AF/C	12	AF/C	12	AF/C	12	AF/C	12	AF/C	12
171-92.14	Temporary signs for business premises	AF	2 signs, 8 each	AF	2 signs, 8 each	AF	2 signs, 8 each	AF	2 signs, 8 each	AF	2 signs, 8 each
171-94.19	Temporary signs in nonresidential district	ANF	16	ANF	16	ANF	16	ANF	16	ANF	16
171-93.13	Temporary window signs	ANF	50	ANF	50	ANF	50	ANF	50	ANF	50
171-93.14	Vending machine signs	NP		NP		NP		NP		NP	
171-92.18	Window signs	AF	See section	AF	See section	AF	See section	AF	See section	AF	See section
171-93.15	Works of art	NP		NP		NP		NP		NP	

Ch. 14C, p. 21

## GENERAL SIGN TYPES

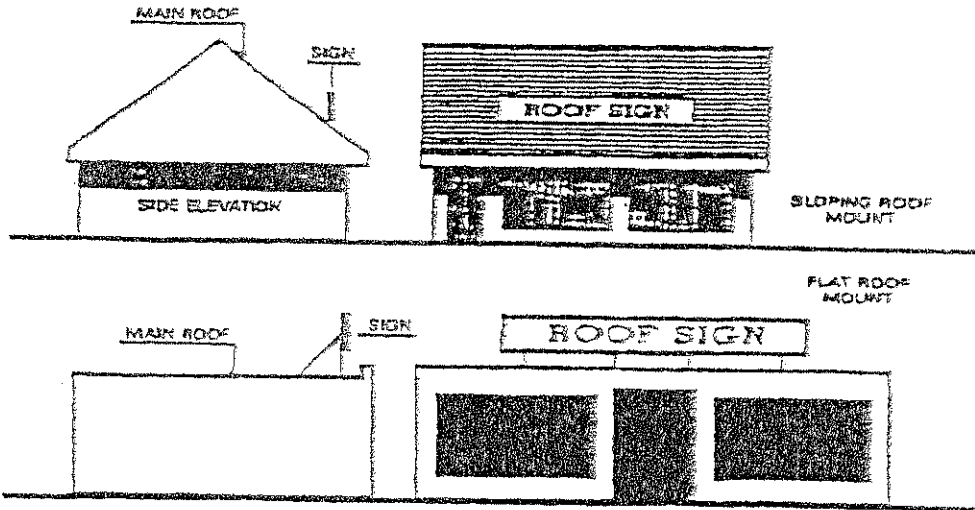




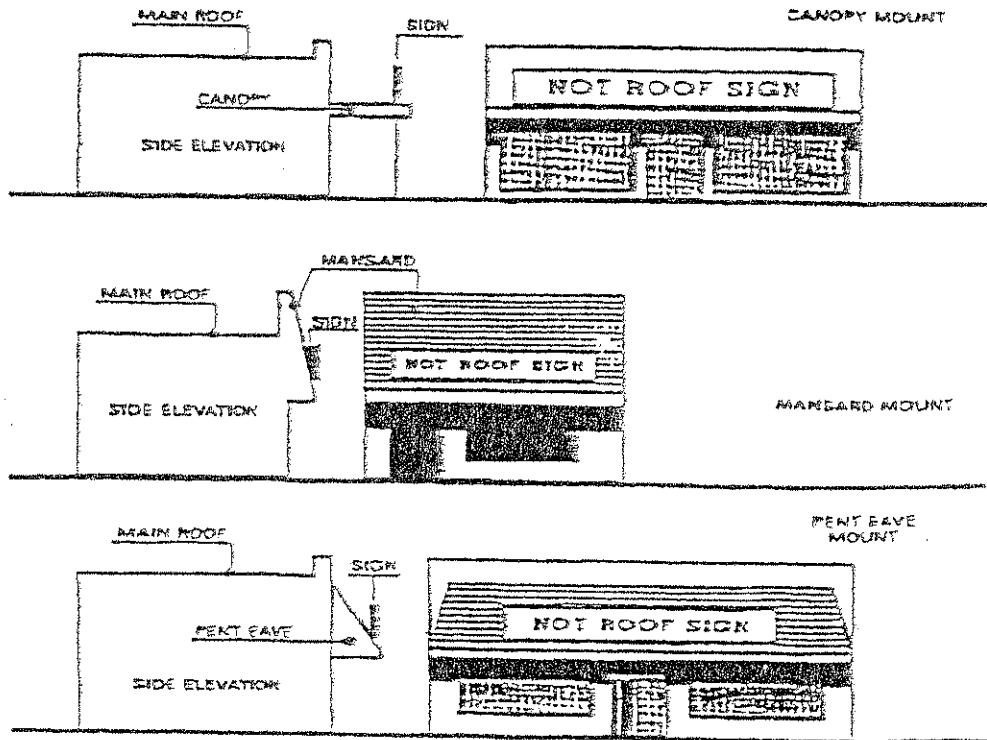
GREAT BARRINGTON CODE

COMPARISON - ROOF & WALL OR FASCIA SIGNS

ROOF SIGNS



FASCIA SIGNS ON ROOF-LIKE PROJECTIONS



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

**NOTICE OF PUBLIC HEARINGS**

The Great Barrington Zoning Board of Appeals will hold a public hearing on Tuesday, January 8, 2013, at 7:30 p.m. at Town Hall, 334 Main St., Great Barrington, to act on the appeal of Sharon Strassfeld, for property at 237 Long Pond Road, of a cease-and-desist order issued Oct. 10, 2012, by the Great Barrington Zoning Enforcement Officer regarding encroachment on a Water Protection Overlay District Zone A. Long Pond is a public water supply. A copy of the petition is on file at the Town Clerk's office, Town Hall. Zoning Board of Appeals members will make a site visit at 5 p.m. that same date.

Ron Majdalany, Chairman

Please publish November 23 and 30, 2012



Town of Great Barrington
Massachusetts

ZBA-1
Rev. Aug. 2011

Application to the
Zoning Board of Appeals

INSTRUCTIONS

You may download this form and fill it in on your computer. Fill out all applicable information. Save and print the form, and sign it where required. When you are ready with your form and all supporting plans and materials, call the Town Planner to set up a time to file the application. You will need to submit the original and 14 full copies of the entire package. It may not be submitted electronically, but submissions made by mail are acceptable. Incomplete applications and those not accompanied by the required fee or copies may be rejected. The Town Planner can be reached at (413) 528-1619, x.7 (Note, for Comprehensive Permit applications, please call the Town Planner.)

FOR OFFICE USE ONLY

Filing Date:
Received and checked for completeness by:
Number Assigned:
Date filed with the Town Clerk
FOR ZBA USE:
Advertising dates: &
Public hearing date:

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

A. WHAT ARE YOU SEEKING? B. SITE / PROPERTY INFORMATION
Check all that apply. If you are unsure, please consult with the Town Planner, Building Inspector, or ZBA Secretary (413-528-4953)
[ ] VARIANCE (exempts a property from some Zoning requirements)
[ ] SPECIAL PERMIT (for changes to nonconforming uses, structures)
[X] APPEAL (to overturn a decision of Building Inspector or a Board)
Address of Subject Property 237 Long Pond Road
Assessor's Map No. 33 Lot No. 14-A
Zoning District(s) R2 One-acre Res.
Overlay District (if any) WQPOD Water Quality Protection Overlay Di

C. APPLICANT AND OWNER INFORMATION

Name (please print) Sharon Strassfeld Phone (area code first) 413-528-1233
Street Address 237 Long Pond Road
City, State, Zip Code Great Barrington, MA 01230
Email Address sharonstrassfeld@gmail.com
Signature Sharon Strassfeld by F.S. Switzer

[X] Check here if Applicant and Property Owner are the same, and skip to the next section.
[ ] Check here if Applicant is different than the Property Owner, and to verify that you have the Property Owner's permission to file this Application. Note that the Property Owner must sign below to indicate permission to file this Application.

Enter Property Owner's information EXACTLY as it appears on the most recent tax bill.
Name (please print) Phone (area code first)
Street Address
City, State, Zip Code
Email Address Registry of Deeds Book No.
Signature Page No.

**D. VARIANCES** If you are requesting a variance, please answer all of the following. Attach additional sheets if necessary.

1) From which Section(s) of the Zoning Bylaw do you request a variance?

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

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

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

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

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

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

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

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

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

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

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

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

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

2) Date of decision

3) Nature of the decision

4) Applicable Section(s) of the Zoning Bylaw

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

## G. REQUIREMENTS FOR ALL APPLICATIONS

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

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

## H. APPLICATION FEE

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

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

## I. TECHNICAL REVIEW FEES

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

## J. ADDITIONAL INFORMATION

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

**Site Visits:** The ZBA and recommending Boards may contact the Applicant to request a site visit. Applicants agree to facilitate access to the site at a mutually convenient date and time.

**Timeline/ Procedures:** The ZBA conducts its business in accordance with Massachusetts General Laws. Accordingly, the ZBA will hold its Public Hearing not later than 65 days after the filing of the application. A decision for a variance or appeal will be rendered not later than 100 days from the filing date. A decision for a special permit will be made not later than 90 days after the close of the Public Hearing. The decision will be filed with the Town Clerk within 20 days of the date of the decision. The appeal period lasts for 20 days after the filing with the Town Clerk. On the 21st day, if no appeals are filed, or once all appeals are resolved, the applicant shall have the decision certified by the Town Clerk. The Applicant is responsible for then filing the decision with the Registry of Deeds, at which time the decision becomes effective.

**Guidance and Counsel:** In preparing this application and when presenting the case to the ZBA, applicants are advised to be fully familiar with, or seek counsel from a qualified person who is familiar with, the Zoning Bylaw and other rules, regulations, and laws as may be appropriate. If you wish to discuss the completeness of this application, or have any questions about this application, please contact the ZBA's Secretary, Bernard Drew, at 413-528-4953, or the Town Planner at 413-528-1619, x. 7. However, we will not discuss the merits or strategy of your case.

**Applicant's Signature:** "I have read and I understand all of the information on this application."

*Sharon Strassfeld by* \_\_\_\_\_ (signed) *11/9/2012* (date)  
*F. S. Switzer*  
*Esq. Attorney*

Print Form

**Need Help? Just call us!**  
Town Planner: (413) 528-1619, x.7  
Building Inspector / Zoning Enforcement Officer:  
(413) 528-3206  
ZBA Secretary: (413) 528-4953  
For bylaws, regulations, maps, and other useful  
information, visit us online at [www.townofgb.org](http://www.townofgb.org)

# Cain Hibbard & Myers PC

Counselors at Law

66 West Street, Pittsfield, Massachusetts 01230, 413-443-4771 Fax 413-443-7694  
Personal Extension: 323 email: mbutler@cainhibbard.com

Michele A. Butler

November 9, 2012

**BY HAND DELIVERY**

Marie Ryan, Town Clerk  
334 Main Street  
Great Barrington, MA 01230

Re: Appeal Under Massachusetts General Laws, Chapter 40A, Sections 8 and 15; and  
Town of Great Barrington Zoning By-law Section 10.2.2(3)

Dear Ms. Ryan:

APPELLANT: Sharon Strassfeld (the "Appellant" or "Strassfeld"), 237 Long Pond Road,  
Great Barrington, Massachusetts (the "Premises").

NATURE OF APPEAL: This is an appeal to the permit granting authority (the "ZBA") under  
the procedures of the Massachusetts Zoning Act, General Laws, Chapter 40A, Sections 8 and  
15 and the Great Barrington Zoning By-law (the "By-Law") Section 10.2.2(3) taken by a  
person aggrieved by an enforcement action of the Zoning Enforcement Officer. A copy of the  
Notice of Violation (the "Notice") dated October 10, 2012 is attached hereto as Exhibit A.  
The Appellant seeks an order from the ZBA overruling the Zoning Enforcement Officer's  
finding of a violation by the Appellant.

GROUND FOR APPEAL: The Zoning Enforcement Officer has found the Appellant in  
violation of Section 9.2.6 and Section 11 of the By-Law and 310 CMR § 22.20B(6) of the  
Code of Massachusetts Regulations. The Notice states that the Appellant has caused an  
encroachment to a Water Protection Overlay District, Zone A as well as a trespass to the  
abutting property to the south. However, the Notice does not detail the nature of the alleged  
encroachment. The Appellant can only speculate as to the source of the alleged violation.

The Appellant acquired the Premises by deed from Michael J. Strassfeld and Sharon M.  
Strassfeld dated March 23, 1998 and recorded with Berkshire Southern District Registry of  
Deeds in Book 1057, Page 27, being a portion of the Premises conveyed to the grantors (one  
of which was Appellant) by deed from Louise Gardner Donald dated December 20, 1983 and  
recorded in said Registry in Book 539, Page 183.

Strassfeld acquired the Premises eight years before the Town of Great Barrington contemplated  
any watershed protections. An addition to the Zoning By-law approved by Annual Town

GREAT BARRINGTON

TOWN CLERK

9 NOV 2012 AM 10:03  
MAY 11 8/2012/013497/0001/597697/v1

November 9, 2012

Page 2

Michele A. Butler

Meeting on May 6, 1991 (the "Watershed Restrictions By-law") was the first iteration of "Watershed Protection Districts" in Great Barrington (a copy of the Watershed Restrictions By-law is attached hereto as Exhibit B). The Watershed Restrictions By-law restricted uses in Watershed Protection Districts.

Pursuant to the Watershed Restrictions By-law, "a continuation of a use in existence before the enactment of [the] section which does not conform with [Watershed Restrictions By-law] shall be allowed to continue."

A rowboat (the remains of which are in evidence today) was stored on the Premises in 1983. Strassfeld continues to store a rowboat on that portion of the Premises along the shore of Long Pond and engages in recreational rowing on Long Pond. Despite subsequent amendments to the Watershed Restrictions By-law, Strassfeld's use enjoys pre-existing, nonconforming status. As such, Strassfeld is not in violation of the By-Law.

310 CMR § 22.20 B(6) permits the Board of Water Commissioners or like body having jurisdiction over a public water source to issue permits for fishing, boating or swimming in said water source. This section of state regulation has not been incorporated into the By-Law, thus it is not within the jurisdiction of the Zoning Enforcement Officer to issue a violation pursuant to this section.

**RELIEF REQUESTED:** The Appellant hereby requests the ZBA overrule the Zoning Enforcement Officer's finding of a violation and affirmatively assert in writing that Appellant may continue to store a rowboat on the premises and use Long Pond for recreational rowing. Further, the Appellant requests that no penalties be assessed against her in this matter.

In accordance with M.G.L. ch. 40A § 15, the Zoning Enforcement Officer shall forthwith transmit to the ZBA all documents and papers constituting the record in this matter.

November 9, 2012  
Page 3

Michele A. Butler

Respectfully submitted,

SHARON STRASSFELD  
By her attorneys,

By: 

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F. Sydney Smithers  
Michele A. Butler  
CAIN HIBBARD & MYERS, PC  
66 West Street  
Pittsfield, MA 01201  
(413) 443-4771 - telephone  
(413) 443-7694

Cc: Edwin May, Building Inspector  
Ronald Majdalany, Chairman, Zoning Board of Appeals  
Sharon Strassfeld



Edwin A. May  
Inspector of Buildings

E-mail:emay@townofgb.org



Town Hall, 334 Main Street  
Great Barrington, MA 01230

Telephone: (413) 528-3206  
Fax: (413) 528-3064

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

### OFFICE OF THE INSPECTOR OF BUILDINGS

October 10, 2012

Sharon M. Strassfeld  
237 Long Pond Rd  
Great Barrington, MA 01230-1169

Re: Long Pond; WQPOD – Zone A Violation

Ms Strassfeld;

This office has been made aware of an encroachment, caused by you, to a Water Quality Protection Overlay District (WQPOD), Zone A, on a property owned by you located at 237 Long Pond Rd, Great Barrington, Assessor's Map 33, Lot 14 A and a trespassing issue where you have caused the same violation on abutting Housatonic Water Works Co. property to the south assessor's Map 33, Lot 13. This issue has impacted the water quality of The Housatonic Water Works Co. and its end users.

I find you in violation of The Town of Great Barrington's Zoning Bylaw;

**171-9.2.6 Permitted Uses; Zone A and Zone I**

*Only uses related to the operation and maintenance of the public water supply are permitted in Zone A and Zone I (the Inner Zone) defined in 310 CMR §22.*

**171-11 Definition: Zone A-** *The Land area between the surface water source and the upper boundary of the bank within a four-hundred-foot lateral distance From the upper boundary of the bank of a class A surface water source as defined in 314 CMR 4.05(3) (a) and within a two-hundred-foot lateral distance from the upper boundary of the bank of a tributary or associated surface water body.*

**310 CMR § 22.20 B (6)** *No person shall swim, wade or bathe in any public water source and no person shall, unless permitted by written permit by The Board of Water Commissioners or like body having jurisdiction over such source, fish in, enter or go in any boat, seaplane, or other vehicle; enter upon the ice for any purpose, including the cutting or taking of ice; or cause or allow any animal to go into or upon, any surface water or tributary thereto.*

The penalty shall be upon conviction thereof to be not more than \$300.00 for each offense. Each day a violation exists shall be considered a separate offense.

## § 171-37.1. Watershed restrictions. [Added 5-6-1991 ATM, Art. 11]

## A. Establishment and definition of district.

- (1) The Watershed Protection Districts are herein established as overlay districts, as delineated on the maps, entitled "Watershed Protection Areas Zoning Map Overlay, Planning Board, Great Barrington, Massachusetts" and "Watershed Protection Areas USGS Map Overlay, Planning Board, Great Barrington Massachusetts," prepared by Tighe & Bond and dated March 1991, on file in the office of the Town Clerk, which are hereby made a part of this chapter.
- (2) The Watershed Protection Districts, hereafter called "districts or district," are overlay districts and shall be superimposed on the other zoning districts. Any uses permitted in the portions of the zoning districts so overlaid shall be permitted subject to all provisions of these Watershed Protection District bylaws.
- (3) Where the bounds delineated are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where they should properly be located. At the request of the owner(s), the Planning Board may engage a professional geologist or soil scientist, land surveyor or civil engineer licensed in Massachusetts to determine more accurately the location of the boundary in dispute and may charge the owner(s) for all or part of the cost of the investigation.

## B. Use regulations.

- (1) Use categories. Categories of uses allowed are limited to those allowed in R-4 Districts, except for the following, which are prohibited regardless of the principal use to which they may be related:
  - (a) Removal of soil, gravel, loam, sand and stone for commercial purposes.
  - (b) Sanitary landfills, open dumps, land application of sludge and septage and automobile junkyards.
  - (c) Storage of liquid petroleum products of any kind, except those incidental to normal household use and outdoor maintenance or the heating of a structure, emergency generators or agricultural purposes, provided that such

storage is in a freestanding container within a building with a secondary containment protection adequate to contain a spill the size of the container's total storage capacity plus 10%.

- (d) Storage of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice on roads, unless such storage is within a structure designed to prevent the generation of contaminated runoff or leachate.
- (e) Stockpiling and disposal of snow and ice which has been removed from the highways and streets located outside of the district.
- (f) Storage or stockpiling of the following materials, except in a structure at least 500 feet from the normal high-water line with an impermeable cover and an Environmental Protection Agency-approved liner designed to contain the generation of contaminated runoff or leachate: pesticides as defined in MGL c. 132B, § 2, commercial fertilizers and soil conditioners as defined in MGL c. 128, § 64, and animal manures.
- (g) Individual sewage disposal systems subject to 310 CMR 15.00, other than replacement systems, that discharge onto or below the land surface more than 440 gallons of wastewater, as computed using 310 CMR 15.00, per acre per day.
- (h) Land uses which result in the rendering impervious of more than 15% or 2,500 square feet of any lot, whichever is greater, unless a system approved by the Planning Board for artificial recharge of precipitation that will not result in groundwater pollution is provided.

C. Design requirements.

- (1) Roof, parking and drive runoff shall be recharged on site to the maximum extent practicable. Runoff from nonresidential parking and drive areas of 5,000 square feet or more shall be discharged to oil-trap or gas-trap catch basins with engineered sumps prior to recharge; oil-trap or gas-trap catch basins shall be cleaned and inspected no less than every six months, and a written report of said cleaning and inspection shall be maintained on site and

available for inspection by either the Planning Board or the Board of Health during normal business hours.

- (2) Where premises being developed are partially outside of a district, potential pollution sources, such as on-site waste disposal systems, shall be located outside of the district unless the applicant demonstrates to the satisfaction of the Board of Health that such location is not feasible.
- (3) Risk of pollution through accidental spillage shall be reduced through use of secure storage areas, diked impermeable catchments or similar measures. In the event of an accidental spill, the owner and/or operator shall immediately inform all agencies and officials as required by state or federal regulation and shall at the same time inform the Town Board of Health.

D. Nonconforming uses.

- (1) Continuation of a use in existence before the enactment of this section which does not conform with this section shall be allowed to continue, provided that:
  - (a) The nonconformity shall not be expanded or increased.
  - (b) When any repairs or maintenance work is done, the work shall be done in such a way as to lessen the nonconformity with this section.
  - (c) The replacement of any underground storage tanks shall conform with the following:
    - [1] The total capacity of the replaced tanks is not exceeded, with the exception of residential storage tanks for home heating oil whose capacity may be increased, but the increased storage is not to exceed 2,000 gallons.
    - [2] Additional requirements for non residential tanks shall be as follows:
      - [a] The replacement tanks shall be of a noncorroding double-walled construction and shall conform with all applicable state and federal regulations in effect at the time of replacement.
      - [b] A leak detection system is installed in the void between the tank's walls. All records of leak tests

and/or alarms shall be kept on site and shall be available for inspection by the Board of Health, Building Inspector or Fire Department.

- [c] The replacement tanks and piping shall be installed within a secondary containment system that meets state and federal requirements at the time of installation.
  - [d] All inventory records and tank testing records maintained for fuel oil and chemical storage tanks shall be made available to the Fire Department, Board of Health and Planning Board during normal business upon request.
  - [e] Any application, along with any plans or drawings submitted with the application, for a town permit for the installation, removal or replacement of underground storage tanks within these districts shall be forwarded to the Planning Board, and the Planning Board shall, within 15 days of receipt, review the application and plans for conformity to this section. Should the Planning Board find that the application does not conform to the section, it shall so inform the issuing authority and the issuing authority shall withhold such permit until the Planning Board has confirmed, in writing, that said application and plans conform with this section.
  - [f] Any and all state and federal requirements and permits shall be met and obtained as required, specifically state regulation 527 CMR 9.00.
- (d) The continued operation of a preexisting commercial gravel bed shall conform with the following:
- [1] Excavation shall remain at least four feet above the mean high-water table.
  - [2] The open bed area shall not exceed the smaller of either the existing open bed or two acres.
  - [3] All areas no longer in use shall be closed in the following manner:

- [a] The area shall be graded smooth with a slope not to exceed 10%, raked and stones over five inches shall be removed.
- [b] Topsoil shall be added to a depth of at least three inches after compaction.
- [c] Topsoil shall be rolled compact to a uniform density.
- [d] The area shall be seeded with a quick-growing ground cover seed recommended by the Soil Conservation Service and in the recommended manner, reseeding shall be done monthly until ground cover is established.

**§ 171-38. Performance standards.**

- A. Hereafter, no land, building or structure in any district shall be used or occupied for manufacturing or other nonresidential purposes in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosion or other hazard; noise or vibration, smoke, dust, dirt or other form of air pollution; electrical or other disturbance; glare or any other dangerous or objectionable substance, condition or element in such amount as to adversely affect the surrounding area or premises. The determination of the existence of any dangerous or objectionable elements shall be made at or beyond the property lines of the use creating such elements, wherever the effect is greatest. Any use already established on the effective date of this chapter shall not be so altered or modified as to conflict with, or further conflict with, these performance standards.
- B. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.
- C. All materials or wastes which constitute a fire hazard or which may be edible by or attractive to rodents or insects shall be stored outdoors only in closed containers.
- D. No discharge at any point into any public sewer, private sewage disposal system or stream, lake or pond or into the ground of any material of such nature or temperature as can contaminate any water supply or cause the emission of dangerous or offensive elements shall

# Town of Great Barrington ZONING MAP

Prepared by the Planning Department, Town of Great Barrington  
 50th Annual Town Meeting, 2012

- 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 Average Residential (1 acre)
  - R-3 General Residential (5,000 sq. ft.)
  - R-4 Large-Average Residential (2 acres)
- BUSINESS**
- B Downtown Business
  - B-1 Neighborhood Business
  - B-2 General Business
  - B-2-A Transitional Business
  - B-3 Downtown Mixed Use
  - DBP Downtown Business Parking
- INDUSTRIAL**
- I Light Industry
  - I-2 Industrial, Medium Density

Scale: 1" = 1/4" or 200' / 1:200  
 1" = 1/2" or 400' / 1:400

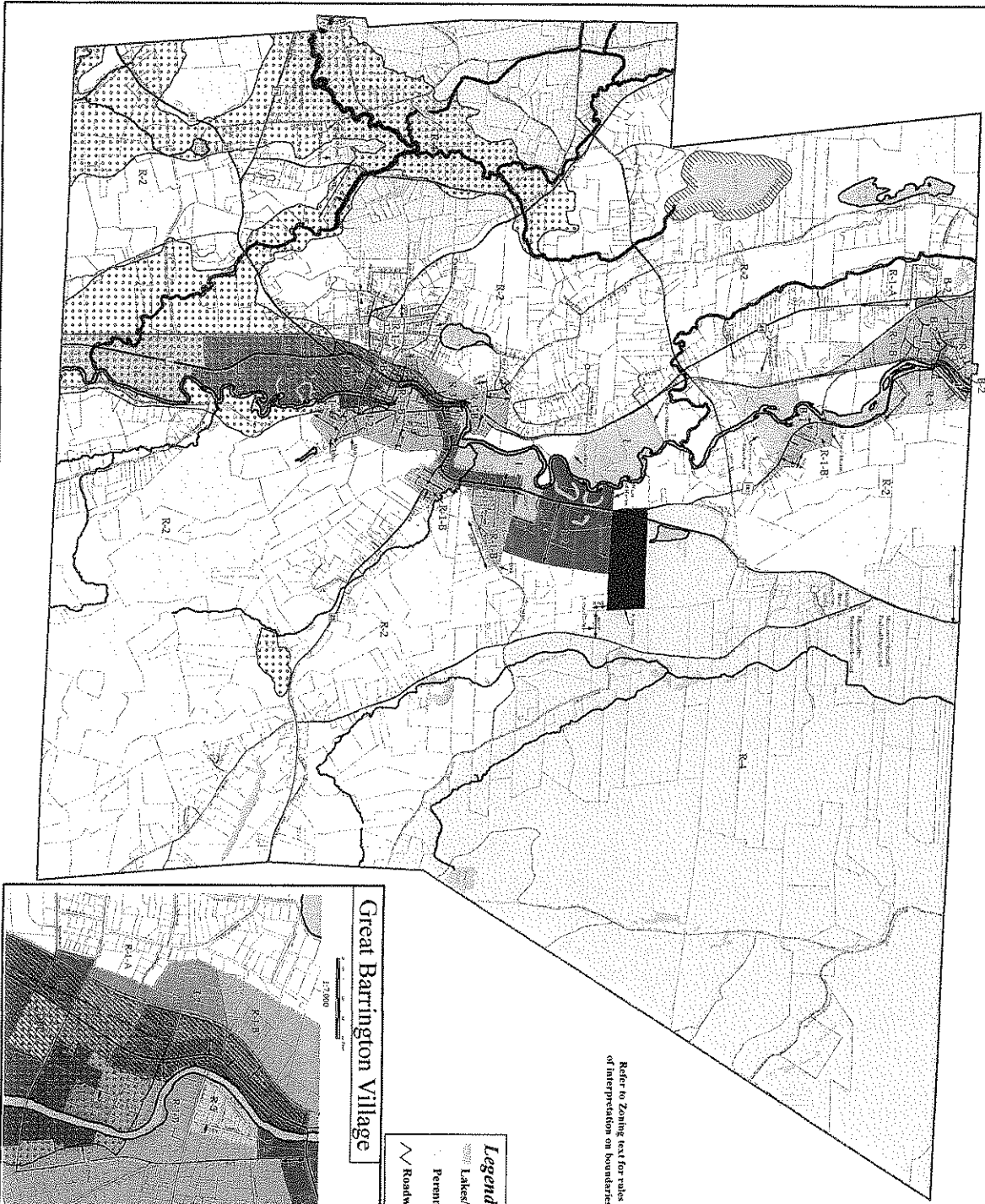


- OVERLAY DISTRICTS**
- VCOB Village Center Overlay District (see Section 9.8)
  - BHMOB Historic Commercial Overlay District (see Section 9.8)
  - WQPOB Water Quality Protection Overlay District (see Section 9.2)
- Other:**
- Zone II
  - Surface Water Zone A
  - Surface Water Zone B
  - Stream and Lake - 500 ft
  - Stream and Lake - 300 ft

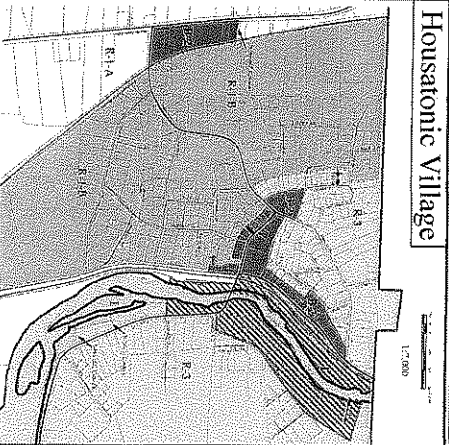
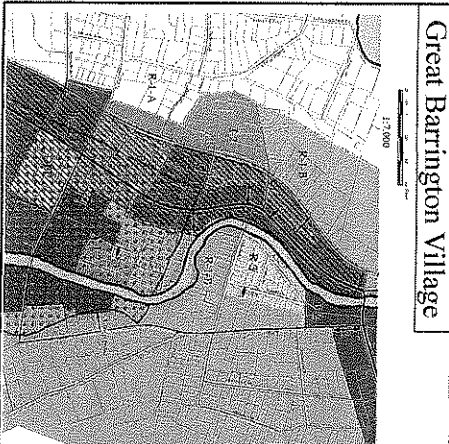
- Zoning**
- I IMROD
  - I-2 VCOD
  - B B
  - B-1 R-1-A WQPOB
  - B-2 R-1-B Zone II
  - B-2-A R-2
  - B-3 R-3
  - DBP R-4

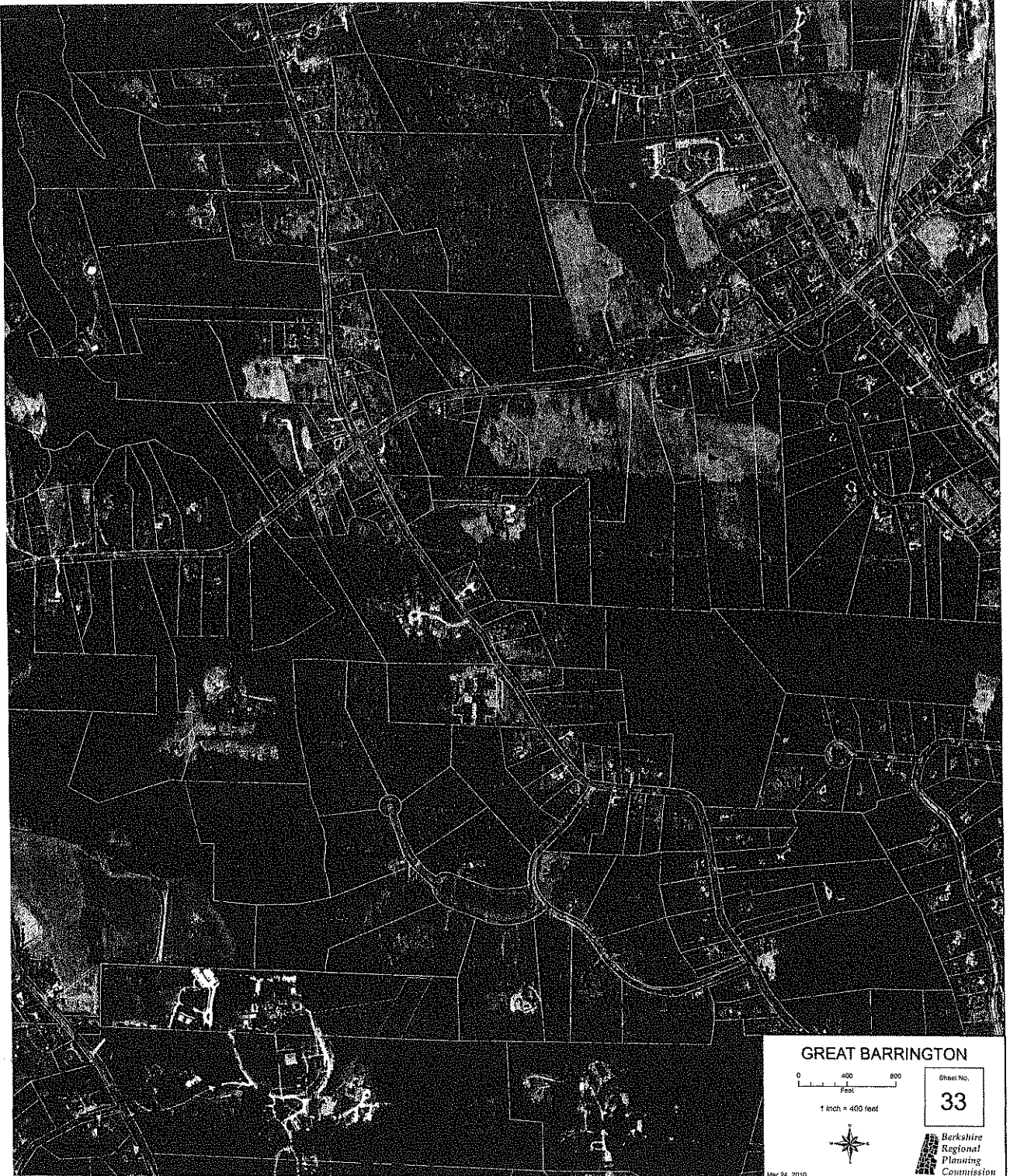
**Legend**

- Lakes/Ponds
- Perennial Streams
- Roadways

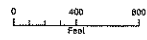


Refer to Zoning text for rules of interpretation on boundaries





**GREAT BARRINGTON**



1 Inch = 400 Feet



Sheet No.

**33**

**Berkshire  
Regional  
Planning  
Commission**

Mar 24, 2010



B-190

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TOWN OF GREAT BARRINGTON  
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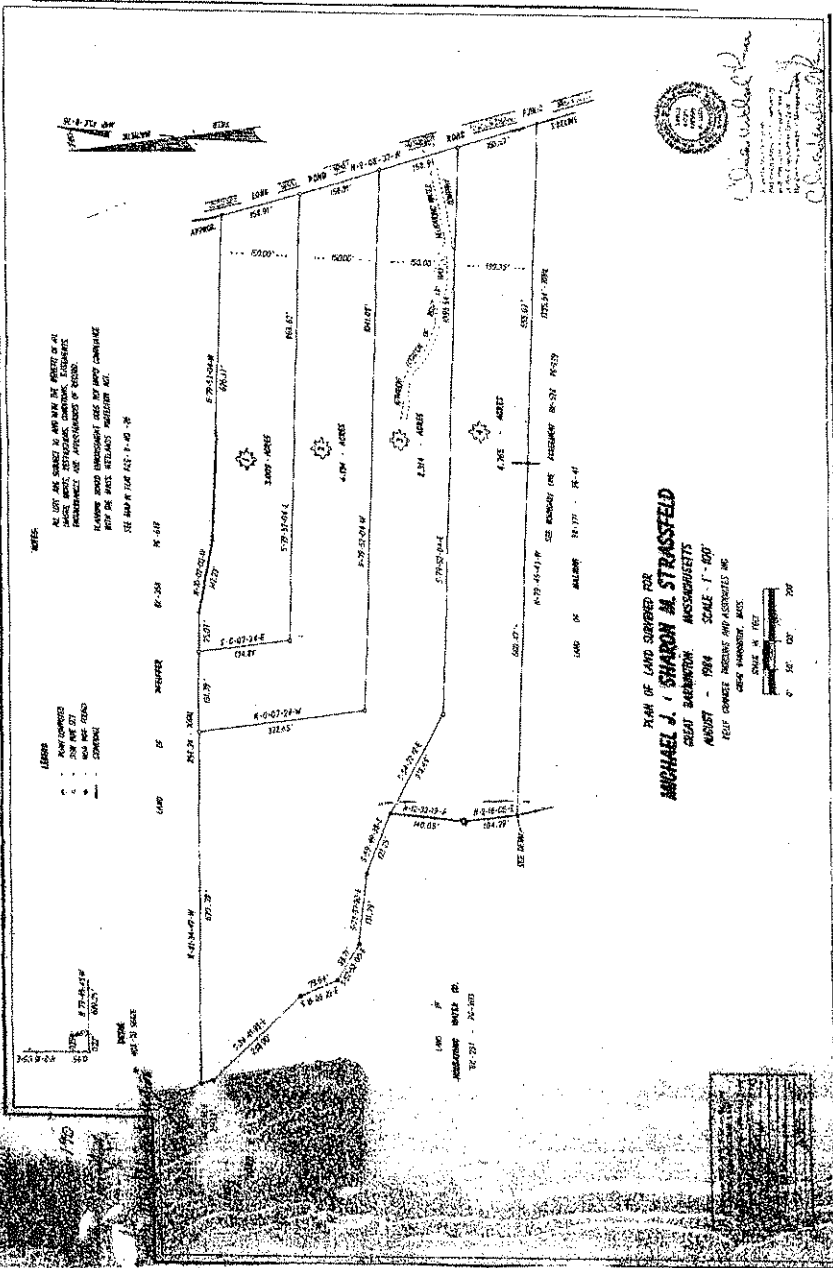
MUNICIPAL OFFICER, TOWN OF GREAT BARRINGTON

January 31, 1984

TO HAVE TO THE OFFICER:

Verify that the information shown on this plan of subdivision is correct and that the same complies with the provisions of the laws of the State of Massachusetts, Chapter 40A, Section 27B, and the provisions of the laws of the Town of Great Barrington, Chapter 10, Section 10.1, as amended, and the provisions of the laws of the State of Massachusetts, Chapter 40A, Section 27B, as amended, and the provisions of the laws of the Town of Great Barrington, Chapter 10, Section 10.1, as amended.

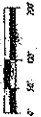
*[Handwritten Signature]*  
TOWN CLERK



NOTES:  
ALL LOT, EASE, GRANT, OR ANY OTHER INTEREST IN AN EASE, RIGHT, RESTRICTION, CONDITION, EASEMENT, ENCUMBRANCE, OR ANY OTHER INTEREST IN THE LAND, SHALL BE DEEMED TO HAVE BEEN CONVEYED BY THIS PLAN TO THE BENEFACTORY PARTIES HEREIN.  
SEE MAP # 142-1-1-18

LEGEND:  
C - CONVEYANCE  
D - DISTRICT  
E - EASEMENT  
R - RESTRICTION

PLAN OF LAND SUBDIVISION FOR  
**MICHAEL J. & SHARON M. STRASSFELD**  
GREAT BARRINGTON, MASSACHUSETTS  
AUGUST - 1984 SCALE 1"=500'  
SELF-COMPILED INSTRUMENT AND ASSOCIATED INC.  
GREAT BARRINGTON, MASS.



*[Handwritten Signature]*  
MICHAEL J. & SHARON M. STRASSFELD  
SURVEYORS