

Jennifer Tabakin  
Town Manager

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Great Barrington, MA 01230

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## TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

SELECTBOARD'S MEETING

MONDAY, FEBRUARY 23, 2015

7:00 PM – REGULAR SESSION

TOWN HALL, 334 MAIN STREET

### ORDER OF AGENDA

#### 7:00 PM - OPEN MEETING

**1. CALL TO ORDER.**

**2. APPROVAL OF MINUTES:**

February 4, 2015 Regular Meeting.  
February 9, 2015 Regular Meeting.

**3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:**

A. GENERAL COMMENTS BY THE BOARD.

B. DISCUSSION OF UPCOMING MEETING CALENDAR.

**4. TOWN MANAGER'S REPORT:**

**5. NEW BUSINESS:**

A. GARY STOLLER/350MA GROUP – REQUEST FOR SB TO PASS A RESOLUTION FOR THE STATE PENSION FUND TO DIVESTMENT ITS HOLDINGS IN FOSSIL FUELS. (DISCUSSION/VOTE)

B. SB – RECOMMENDATION TO ZBA ON THE SPECIAL PERMIT APPLICATION OF PAUL GREENE ON BEHALF OF NICKI WILSON TO CONSTRUCT A SCREENED PORCH ON THE REAR OF A PRE-EXISTING, NON-CONFORMING DWELLING AT 80 CASTLE HILL AVENUE. (DISCUSSION/VOTE)

C. SB – APPOINTMENT OF FENCE VIEWERS. (DISCUSSION/VOTE)

D. PARKING REQUEST. (DISCUSSION/VOTE)

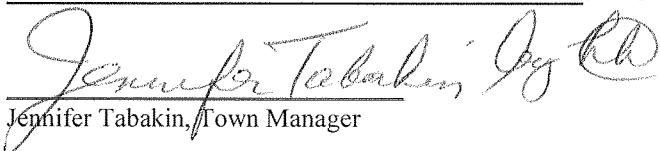
**6. CITIZEN SPEAK TIME:**

**7. SELECTBOARD'S TIME:**

8. MEDIA TIME:

9. ADJOURNMENT:

NEXT SELECTBOARD'S REGULAR MEETING: MONDAY, MARCH 9, 2015 AT 7:00 P.M.

  
Jennifer Tabakin, Town Manager

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

**MEETINGS IN MARCH**  
(Scheduled as of 2/20/15)

Tuesday, February 24<sup>th</sup> at 6 PM Selectboard & Finance Committee Budget Meeting- GB Fire Station

Wednesday, February 25<sup>th</sup> at 1:15 PM Council on Aging- Claire Teague Center

Wednesday, February 25<sup>th</sup> at 6 PM Selectboard & Finance Committee Budget Meeting- GB Fire Station

Wednesday, February 25<sup>th</sup> at 6:30 PM Conservation Commission- Town Hall

Thursday, February 26<sup>th</sup> at 7 PM Planning Board- Town Hall

Monday, March 2<sup>nd</sup> at 5 PM Cultural Council- Mason Library

Tuesday, March 3<sup>rd</sup> at 6 PM Selectboard & Finance Committee Budget Meeting- GB Fire Station

Wednesday, March 4<sup>th</sup> at 5:15 PM Tree Committee- Mason Library

Wednesday, March 4<sup>th</sup> at 6 PM Selectboard & Finance Committee Budget Meeting- GB Fire Station

Thursday, March 5<sup>th</sup> at 7:30 PM Board of Health- Town Hall

Monday, March 9<sup>th</sup> at 5 PM Parks Commission- Mason Library

Monday, March 9<sup>th</sup> at 7 PM Selectboard Regular Meeting- Town Hall

Tuesday, March 10<sup>th</sup> at 5:30 PM Republican Town Committee- Town Hall

Tuesday, March 10<sup>th</sup> at 7:30 PM ZBA- Town Hall

Thursday, March 12<sup>th</sup> at 5:30 PM Library Board of Trustees- Mason Library

Thursday, March 12<sup>th</sup> at 7 PM Planning Board- Town Hall

Thursday, March 19<sup>th</sup> at 2:15 PM GB Housing Authority- Bernard Gibbons Drive

Thursday, March 19<sup>th</sup> at 5:30 PM Community Preservation Committee- GB Fire Station

Thursday, March 19<sup>th</sup> at 6:30 PM Historic District Commission- Town Hall

Monday, March 23<sup>rd</sup> at 7 PM Selectboard Regular Meeting- Town Hall

Tuesday, March 24<sup>th</sup> at 7 PM Finance Committee Budget Public Hearing (w/Selectboard)- Town Hall

Wednesday, March 25<sup>th</sup> at 1:15 PM Council on Aging- Claire Teague Senior Center

Wednesday, March 25<sup>th</sup> at 6:30 PM Conservation Commission- Town Hall

Thursday, March 26<sup>th</sup> at 7 PM Planning Board- Town Hall

## **Resolution in Support of Fossil Fuel Divestment and to Address the Climate Crisis**

To see if the Town of Great Barrington will vote to approve the following resolution on the Climate Crisis:

WHEREAS, man-made greenhouse gases in the atmosphere have contributed significantly to global warming, glacial melt, sea level rise and climate changes, and all over the globe extremes in weather are being experienced with increased frequency in the form of droughts, heavy rainfall, record high temperatures, and dangerous storms, resulting in wildfires, floods, crop failures, destruction of homes and communities, and loss of life; and

WHEREAS, there is a limit to the amount of carbon and other greenhouse gases the atmosphere can contain beyond which life on the planet as we know it will be severely impacted and ultimately unsustainable; and

WHEREAS, the fossil fuel industry is reaping enormous profits and exercising great power over policymakers and legislators by means of large contributions to the campaign chests of friendly politicians in exchange for favorable legislation and massive government subsidies--at the expense of support for clean, renewable, and sustainable energy; and

WHEREAS, investments in fossil fuel companies could prove highly risky and volatile given that 80% of their proven reserves could become "stranded" and unusable assets if governments act to protect a habitable climate;

WHEREAS, divestment has proven to be an effective strategy for stigmatizing unethical industries and institutions throughout our state's history. Massachusetts was the first state to divest from South Africa in 1982 and the first state to divest all state pension funds from tobacco companies in 1997. Massachusetts should continue this legacy of socially conscious investing;

WHEREAS, every household in Great Barrington, motivated by a sense of responsibility to protect the planet and guarantee a future for the next generation and beyond, has the ability to decrease its contribution of greenhouse gases (its "carbon footprint") by taking relatively simple steps to decrease its use of fossil fuel; and

WHEREAS, the town of Great Barrington has chosen to become a GREEN COMMUNITY and under our own Energy Committee, tasked by the Board of Selectmen, significant progress has been achieved in making our municipal buildings more energy efficient;

THEREFORE, be it resolved that the citizens of Great Barrington commit ourselves to meeting our individual and collective responsibility in the face of the increasing climate crisis by adopting energy efficiency and conservation practices;

and

FURTHER, we urge our elected state officials to direct the managers of the State Pension Funds to divest the Funds of holdings in fossil fuel industries and to invest, instead, in alternative sustainable energy companies, a step consistent with the Commonwealth's commitment to clean, renewable, green energy that does not further burden our fragile atmosphere and threaten our planet; and

The Town Clerk is requested to send copies of this Resolution to Governor Charlie Baker, State Treasurer Deborah B. Goldberg, State Senator Benjamin B. Downing, and State Representative William Smitty Pignatelli; or to take any other action relative thereto.

# An Act relative to public investment in fossil fuels

Senator Benjamin B. Downing, Representative Marjorie Decker

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**Intent of Legislation:** Begin a 5-year divestment of state pension funds from holdings in fossil fuel companies. The bill directs the Pension Reserves Investment Trust (PRIT) to cease new investment and divest no less than 20% per year in holdings in companies that deal in fossil fuels, so long as the aggregate value of the fund does not drop more than .5% as a direct result of divestment.

## Divestment makes financial sense

- Climate scientists indicate that in order to avert cataclysmic climate change, up to 80% of known fossil fuel reserves must remain unburned (and thus unmonetized).
- Despite this, the top publicly-traded fossil fuel companies spent over \$600 billion finding, developing, and extracting new reserves in 2012.
- Political and market forces are advancing to a point that up to \$20 trillion worth of these reserves may become stranded and therefore worthless, creating substantial material risk for funds with heavy investment in these companies.
- Alternatively, industry studies have shown that the risk of responsible divestment is statistically insignificant.
- Not only does divestment not increase portfolio risk, it is actually profitable! Independent studies by the Associated Press and several major asset management groups have shown that a carbon free portfolio would have outperformed a standard portfolio over the last decade.

## Divestment is a proven tool for change

- This legislation is directly modeled after successful legislation that led to divestment of the state pension fund from financial interests in Iran (Chapter 232 of the Acts of 2010).
- Previous legislative efforts successfully divested the PRIT fund from South Africa, Sudan, and tobacco.
- Fossil fuel divestment efforts are underway across the country and internationally on college campuses, nonprofit institutions, institutional investors, and cities and towns.

## It is time to align our investments with our principles

- In 1997, the PRIT fund divested over \$250m in assets from tobacco-related companies. The argument: we cannot invest millions in tobacco prevention and cessation on one hand, while counting on dividends from the companies that produce the products we are trying to discourage.
- The same argument applies today to fossil fuels. The Commonwealth invests millions through the General Fund, tax credits, and ratepayer subsidies in renewable energy and energy efficiency to curb our dependence on fossil fuels.
- Meanwhile, our pension fund invests at least \$1.6 billion in companies whose business model relies on continued fossil fuel dependence. We are investing against ourselves if we continue this model.

For more information or to request cosponsorship, contact [Christopher.Gilrein@masenate.gov](mailto:Christopher.Gilrein@masenate.gov)

SENATE . . . . . No.

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The Commonwealth of Massachusetts

PRESENTED BY:

*Benjamin B. Downing*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to public investment in fossil fuels.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Benjamin B. Downing</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>



**SENATE . . . . . No.**

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1225 OF 2013-2014.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
\_\_\_\_\_

An Act relative to public investment in fossil fuels.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. As used in this act the following words shall, unless the context clearly  
2 requires otherwise, have the following meanings:—

3           “Board”, the pension reserves investment management board established in section 23 of  
4 chapter 32 of the General Laws.

5           “Company”, a sole proprietorship, organization, association, corporation, partnership,  
6 joint venture, limited partnership, limited liability partnership, limited liability company or other  
7 entity or business association, including all wholly-owned subsidiaries, majority-owned  
8 subsidiaries, parent companies or affiliates of such entities or business associations that exist for  
9 profit-making purposes.

10           “Direct holdings”, all securities of a company held directly by the public fund or in an  
11 account or fund in which the public fund owns all shares or interests.

12           “Fossil fuel company”, a company identified by a Global Industry Classification System  
13 code in one of the following sectors: (1) coal and consumable fuels; (2) integrated oil and gas;  
14 (3) oil and gas exploration and production.

15           “Indirect holdings”, all securities of a company held in an account or fund, such as a  
16 mutual fund, managed by 1 or more persons not employed by the public fund, in which the  
17 public fund owns shares or interests together with other investors not subject to this act.

18           “Public fund”, the Pension Reserves Investment Trust or the Pension Reserves  
19 Investment Management Board charged with managing the pooled investment fund consisting of  
20 the assets of the State Employees’ and Teachers’ Retirement Systems as well as the assets of  
21 local retirement systems under the control of the board.

22           SECTION 2. Notwithstanding any general or special law to the contrary, within 30 days  
23 of the effective date of this act, the public fund shall facilitate the identification of all fossil fuel  
24 companies in which the fund owns direct or indirect holdings.

25           SECTION 3. Notwithstanding any general or special law to the contrary, the public fund  
26 shall take the following actions in relation to fossil fuel companies in which the fund owns direct  
27 or indirect holdings.

28           (a) The public fund shall sell, redeem, divest or withdraw all publicly-traded securities of  
29 each company identified in section 2 according to the following schedule: (i) at least 20 per cent  
30 of such assets shall be removed from the public fund’s assets under management within 1 year of

31 the effective date of this act; (ii) 40 per cent of such assets shall be removed from the public  
32 fund's assets under management within 2 years of the effective date of this act; (iii) 60 per cent  
33 of such assets shall be removed from the public fund's assets under management within 3 years  
34 of the effective date of this act; (iv) 80 per cent of such assets shall be removed from the public  
35 fund's assets under management within 4 years of the effective date of this act and (v) 100 per  
36 cent of such assets shall be removed from the public fund's assets under management within 5  
37 years of the effective date of this act.

38 (b) At no time shall the public fund acquire new assets or securities of fossil fuel  
39 companies.

40 (c) Notwithstanding anything in this act to the contrary, subsections (a) and (b) shall not  
41 apply to indirect holdings in actively managed investment funds; provided, however, that the  
42 public fund shall submit letters to the managers of such investment funds containing fossil fuel  
43 companies requesting that they consider removing such companies from the investment fund or  
44 create a similar actively managed fund with indirect holdings devoid of such companies. If the  
45 manager creates a similar fund, the public fund shall replace all applicable investments with  
46 investments in the similar fund in an expedited timeframe consistent with prudent investing  
47 standards. For the purposes of this section, private equity funds shall be deemed to be actively  
48 managed investment funds.

49 SECTION 4. Notwithstanding any general or special law to the contrary, with respect to  
50 actions taken in compliance with this act, the public fund shall be exempt from any conflicting  
51 statutory or common law obligations, including any such obligations with respect to choice of

52 asset managers, investment funds or investments for the public fund's securities portfolios and  
53 all good faith determinations regarding companies as required by this act.

54 SECTION 5. Notwithstanding any general or special law to the contrary, the public fund  
55 shall be permitted to cease divesting from companies under subsection (a) of section 3, reinvest  
56 in companies from which it divested under said subsection (a) of said section 3 or continue to  
57 invest in companies from which it has not yet divested upon clear and convincing evidence  
58 showing that the total and aggregate value of all assets under management by, or on behalf of,  
59 the public fund becomes: (i) equal to or less than 99.5 per cent; or (ii) 100 per cent less 50 basis  
60 points of the net value of all assets under management by, or on behalf of, the public fund in the  
61 previous year as a direct result of divestment. Cessation of divestment, reinvestment or any  
62 subsequent ongoing investment authorized by this section shall be strictly limited to the  
63 minimum steps necessary to avoid the contingency set forth in the preceding sentence.

64 For any cessation of divestment, and in advance of such cessation, authorized by this  
65 subsection, the public fund shall provide a written report to the attorney general, the senate and  
66 house committees on ways and means and the joint committee on public service, updated semi-  
67 annually thereafter as applicable, setting forth the reasons and justification, supported by clear  
68 and convincing evidence, for its decisions to cease divestment, to reinvest or to remain invested  
69 in fossil fuel companies.

70 SECTION 6. The public fund shall file a copy of the list of fossil fuel companies in  
71 which the fund owns direct or indirect interests with the clerks of the senate and the house of  
72 representatives and the attorney general within 30 days after the list is created. Annually  
73 thereafter, the public fund shall file a report with the clerks of the senate and the house of

74 representatives and the attorney general that includes: (1) all investments sold, redeemed,  
75 divested or withdrawn in compliance with subsection (a) of section 3 and (2) all prohibited  
76 investments from which the public fund has not yet divested under subsection (a) of said section  
77 3.

# Fossil-Free Portfolio Performance

## FFIUS

*Fossil Free Indexes US*

- FFIUS CARBON FREE
- S&P 500



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**COMPARABLE OR  
BETTER PERFORMANCE**

*Carbon-intensive assets underperform market benchmarks in recent years*

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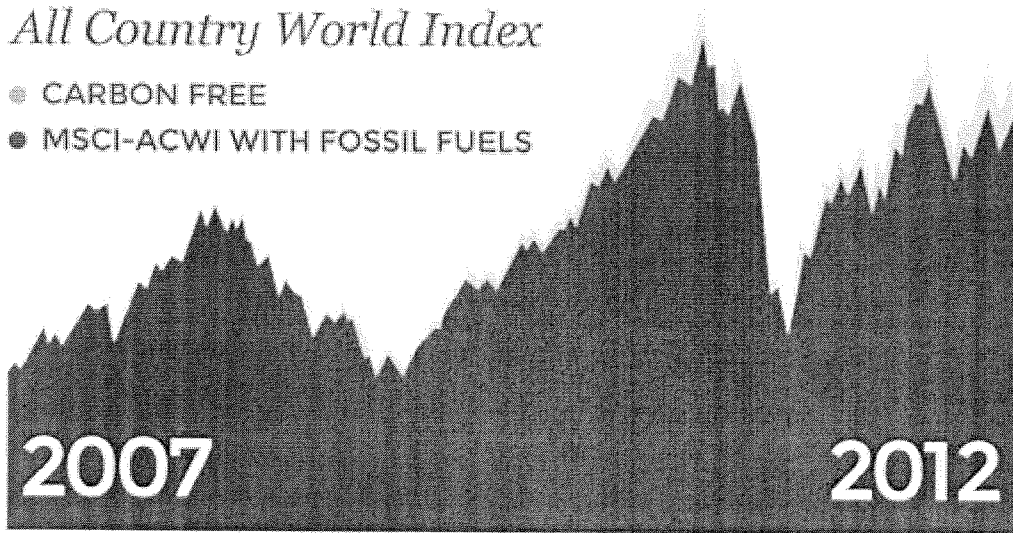
SOURCE: FOSSIL FREE INDEXES

# ACWI

*All Country World Index*

● CARBON FREE

● MSCI-ACWI WITH FOSSIL FUELS



## COMPARABLE OR BETTER PERFORMANCE

*Carbon-intensive assets underperform market benchmarks in recent years*

SOURCE: APERIO GROUP

*Non-sustainable fossil fuel economy and investing in the new regenerative economy is a no-brainer from a financial, moral, and a personal values standpoint. -CHARLY KLEISSNER, PHILANTHROPIC ENTREPRENEUR, BIG SUR, CA*

The challenges of climate change require bold global action. Shifting investments out of the destructive fossil fuel sector is both morally and financially wise. An expanding variety of fossil free funds and other investment vehicles of the new energy economy provide solid returns, often outperform standard benchmarks, and brought to scale, will meet our energy needs without destroying our air, water, land, and communities. We have every reason to move away from investment options that exploit and pollute, and toward those that curb climate impacts and support healthy communities.

### INVEST TO MAINTAIN competitive returns on investments

Balanced fossil free portfolios still produce competitive returns on investment. There is a growing body of research grounded in a 10-year time span that includes work from Fossil Free Indexes, Aperio, S&P Capital IQ, MSCI Advisor Partners, and Impax Asset Management. The graphs compare back-tested fossil free portfolios to the MSCI All Country Index and S&P respectively.

**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, March 10, 2015, at 7:30 p.m. at Town Hall, 334 Main St., Great Barrington, to act on the special permit application of Paul Greene on behalf of Nicki Wilson to construct a screened porch on the rear of a pre-existing, non-conforming dwelling at 80 Castle Hill Ave., in the R1A zone. A copy of the petition is on file at the Town Clerk's office, Town Hall. Zoning Board of Appeals members will make a site visit at approximately 5:30 p.m. that same date.

Ron Majdalany, Chairman

*dlb*

Publish ~~February 10, 2015~~ February 6, 2015





Town of Great Barrington Massachusetts

ZBA 837-15

ZBA-1 Rev. July 2013

Application to the Zoning Board of Appeals

JAN 26 PM 2:08

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: 1/26/15
Received and checked for completeness by: CR
Number Assigned: 837-15
Date filed with the Town Clerk
FOR ZBA USE:
Advertising dates: &
Public hearing date:

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

A. WHAT ARE YOU SEEKING?

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

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

B. SITE / PROPERTY INFORMATION

Address of Subject Property 80 Castle Hill Ave
Assessor's Map No. 13 Lot No. 67
Registry of Deeds Book No: 1530 Page: 261
Zoning District(s) R1A
Overlay Districts (if any)

C. APPLICANT AND OWNER INFORMATION

Applicant's Information: Name (please print) Paul Greene Phone (area code first) 413 446-0964
Street Address 11 Blue Hill Rd
City, State, Zip Code Great Barrington MA 01230
Email Address paulgreene@sec@gmail.com Signature [Handwritten Signature]

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

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

Property Owner's Information: Name (please print) Nicki Wilson Phone (area code first) 413 528 2728
Street Address 80 Castle Hill Ave
City, State, Zip Code Great Barrington MA 01230
Email Address nickiwil@gmail.com Signature Nicki E. Wilson

**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:* \_\_\_\_\_

## 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 understand all of the information on this application."

\_\_\_\_\_ (signed) Jan 18/15 (date)

Print Form

### Need Help? Just call us.

Town Planner: (413) 528-1619, x.7

Building Inspector / Zoning Enforcement Officer:  
(413) 528-3206

ZBA Secretary: (413) 528-4953

For bylaws, regulations, maps, and other useful information, visit us online at [www.townofgb.org](http://www.townofgb.org)

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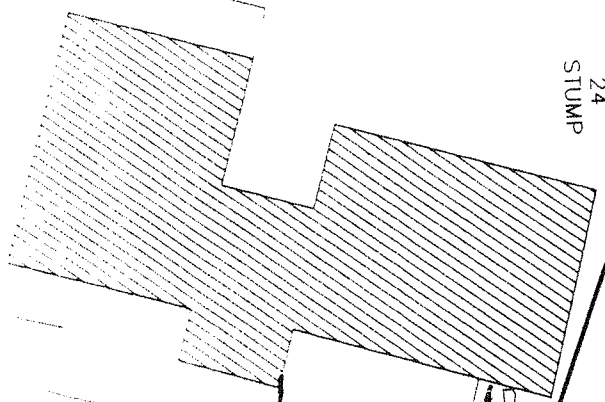
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STUMP

20" STUMP

24" STUMP  
28" STUMP

24" STUMP



Change  
Back to  
Arch

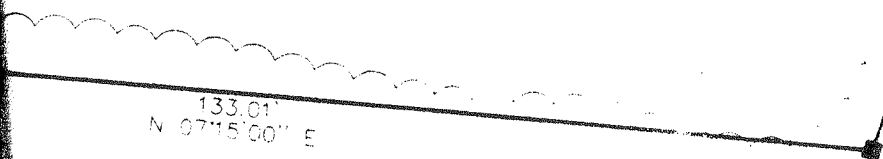
8' to property  
line

128.55'  
N 69°00'50" W

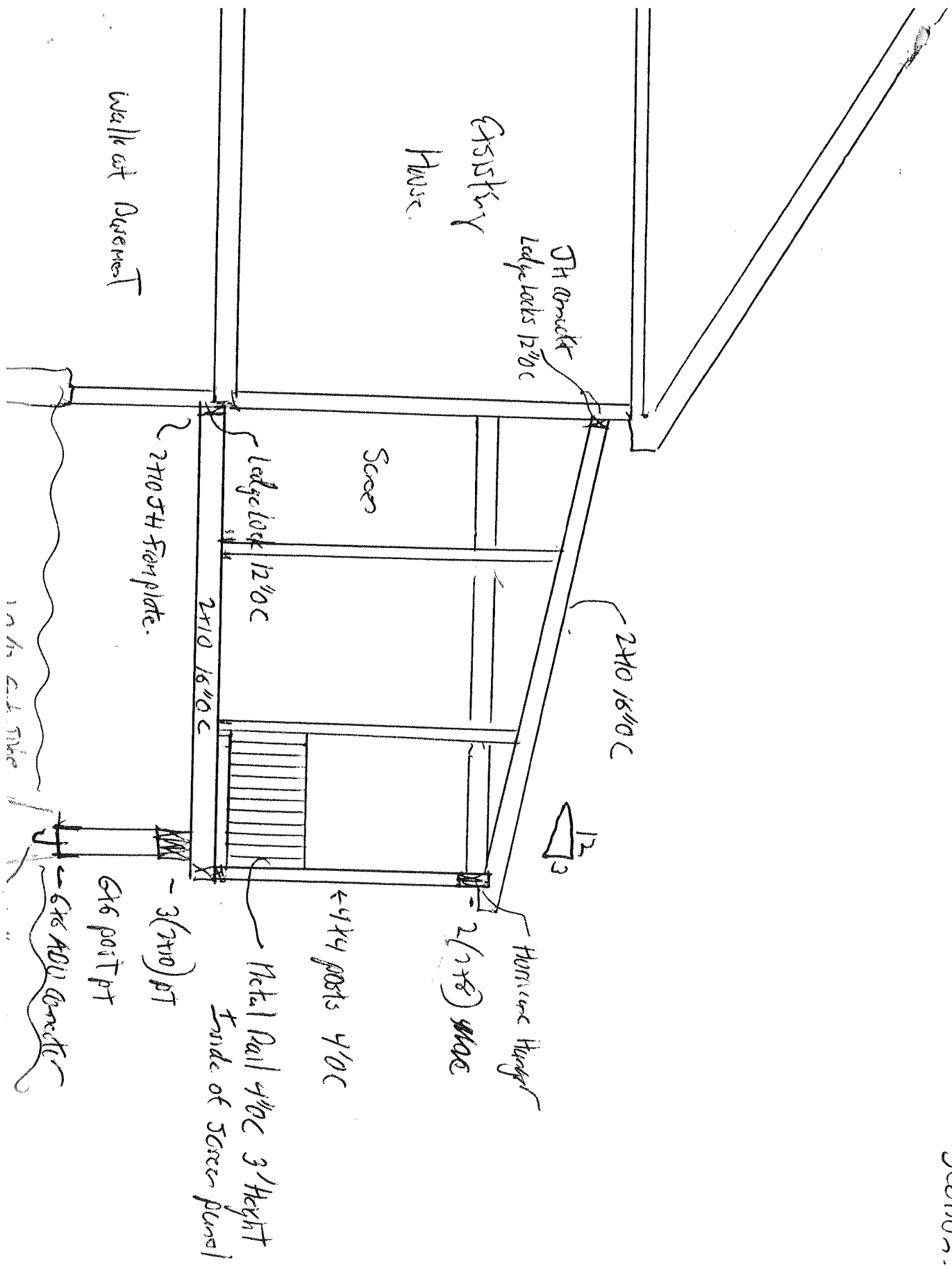
36" STUMP

N 15°05'50" E  
0.31'

133.01'  
N 07°15'00" E



Micki Wilson  
 Screen porch  
 Section.



Walk out Basement

Existing House  
 Ledge Joists 12 1/2 OC

Screen

2x10 5/4 Form plate.

Ledge Joist 12 1/2 OC

2x10 18 1/2 C

2x10 18 1/2 C



Horse Hanger

2 (2x8) brace

4x4 posts 4' OC

Metal Rail 4 1/2 OC 3' Height  
 End of Screen panel

3 (2x10) pt

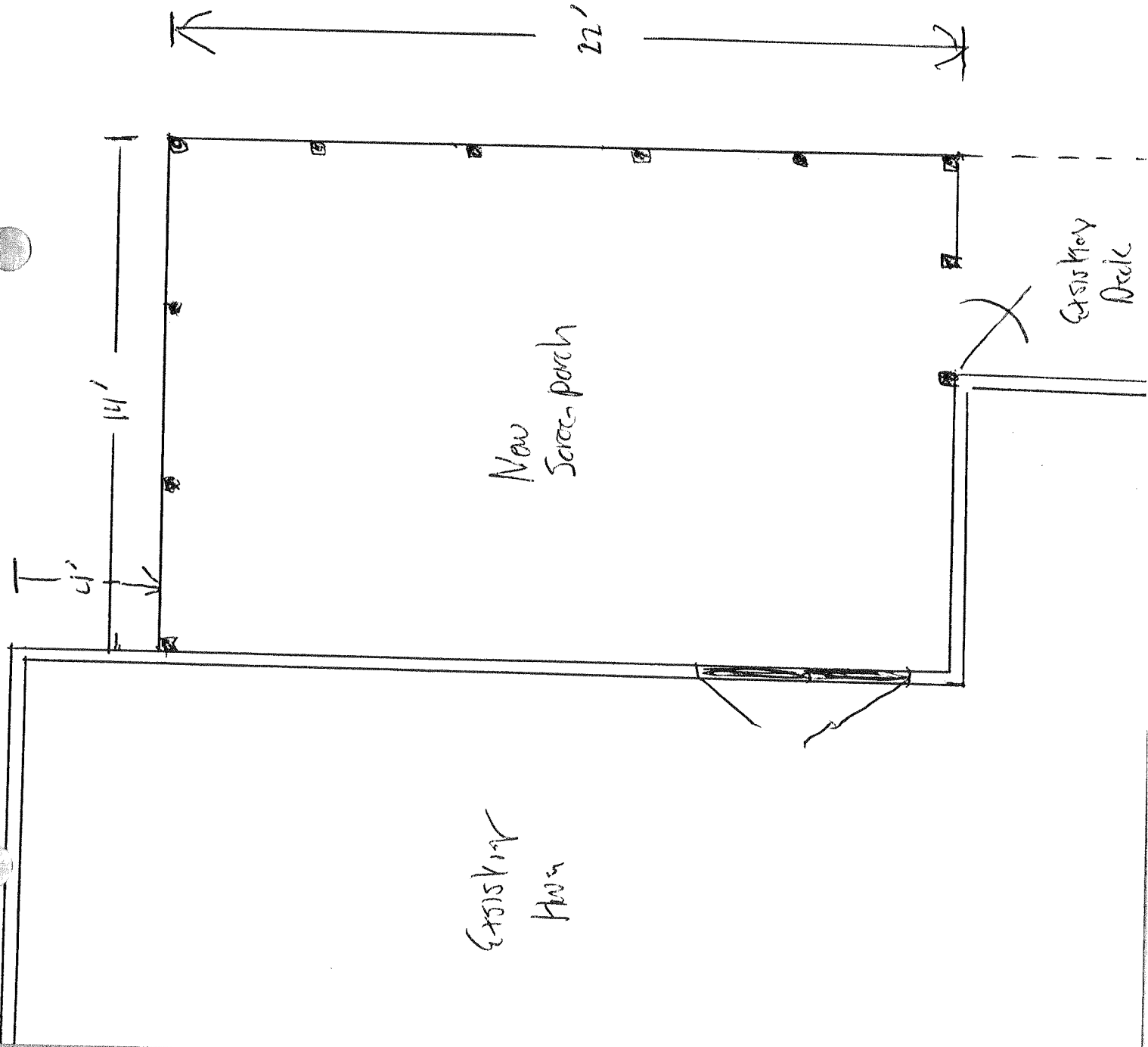
6x6 pos 1 pt

6x6 ADU concrete

1 1/2 in. all the way

Mick Wilson

Porch Floorplans



Existing Area

New Screen porch

Existing Deck

22'

14'

4'









M-69 dt  
75.00

80 Castle Hill Avenue  
Plot plan referenced in boundary line  
agreement dated May 26, 2004

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ATTORNEY'S REVIEW. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY UNRECORDED INTERESTS. THIS PROPERTY WAS SURVEYED BY THE POSSESSION LINES FOUND AT THE TIME THE SURVEY WAS MADE.

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

UNLESS OTHERWISE NOTED HEREON, THIS SURVEY PLAN SHALL BE CONSIDERED TO BE A SURVEY OF THE SURFACE OF THE EARTH OR LIMITS OF ANY OR ALL REGULATED WETLANDS OR FLOODPLAINS. ANY SURFACE WATER FEATURES SHOWN, SUCH AS STREAMS OR PONDS, ARE REPRESENTED AS INDICATING LIMITS OF WETLAND RESOURCE AREAS.

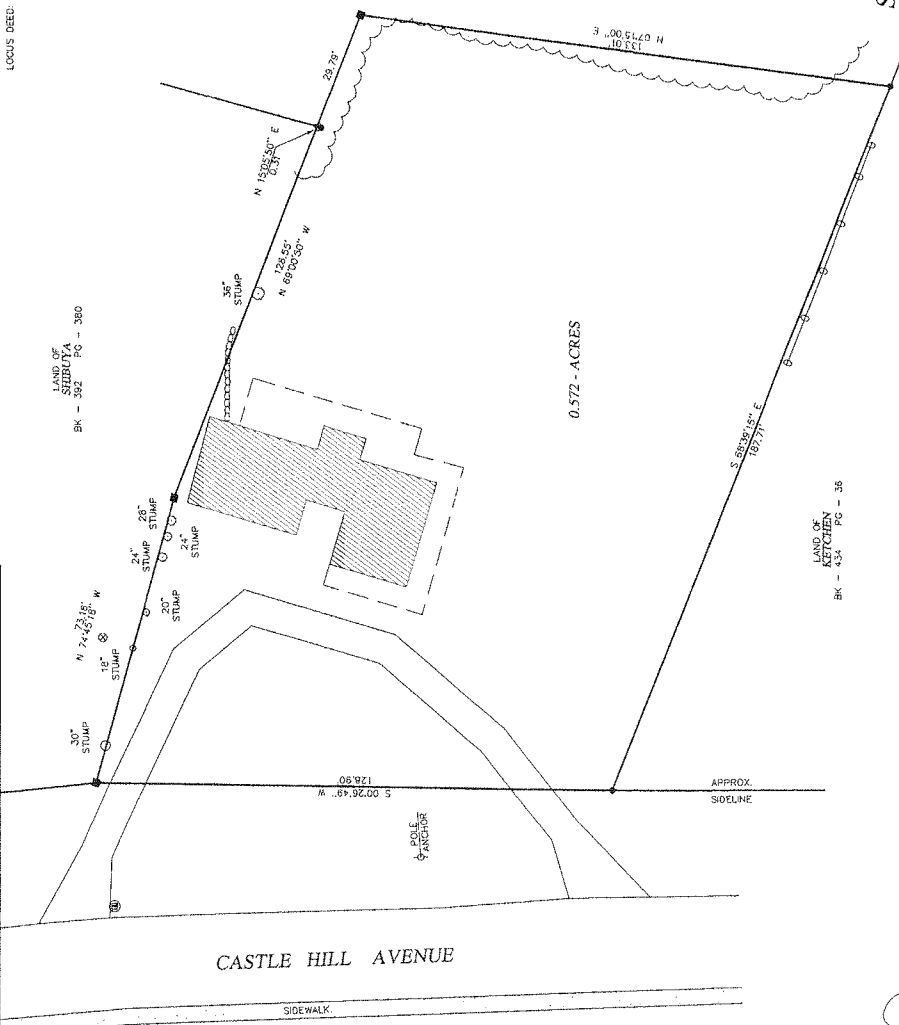
SOUTH BARRINGTON RESISTIVITY DATA  
05/22/04 12:46 PM  
P-File M-69  
75.00 dk  
*Samuel T. Ernst*  
Register

LOCUS DEED: BK - 1127 PG - 119

LAND OF LARKIN  
BK - 319 PG - 149

LAND OF KETZIGEN  
BK - 434 PG - 36

- LEGEND**
- ▲ POINT COMPUTED
  - IRON PIPE FOUND
  - STONE BOUND FOUND
  - UTILITY POLE
  - ⊙ CATCH BASIN
  - CCCC STONE WALL
  - SPLIT RAIL FENCE
  - ~ APPROXIMATE EDGE OF WOODS
  - ⊗ IRON ROD FOUND

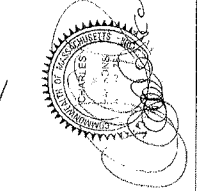
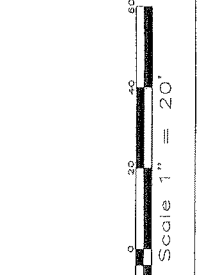


THE PROPERTIES SHOWN HEREON ARE THE LINES OF SURVEY AND ARE NOT TO BE CONSIDERED AS PRIVATE STREETS OR WAYS SHOWN BY THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED OR COMPLETED OR TO BE COMPLETED BY ANY CITY, TOWN OR VILLAGE. THIS STATEMENT IS INTENDED TO AFFECT THE REGISTRY OF RECORD AND IS NOT TO BE CONSIDERED AS A CERTIFICATION OF THE ACCURACY OF THE SURVEY.

PROFESSIONAL LAND SURVEYOR  
DATE 8/19/2003

I HEREBY REPORT THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF REGISTRATION OF PROFESSIONAL LAND SURVEYORS OF MASSACHUSETTS.

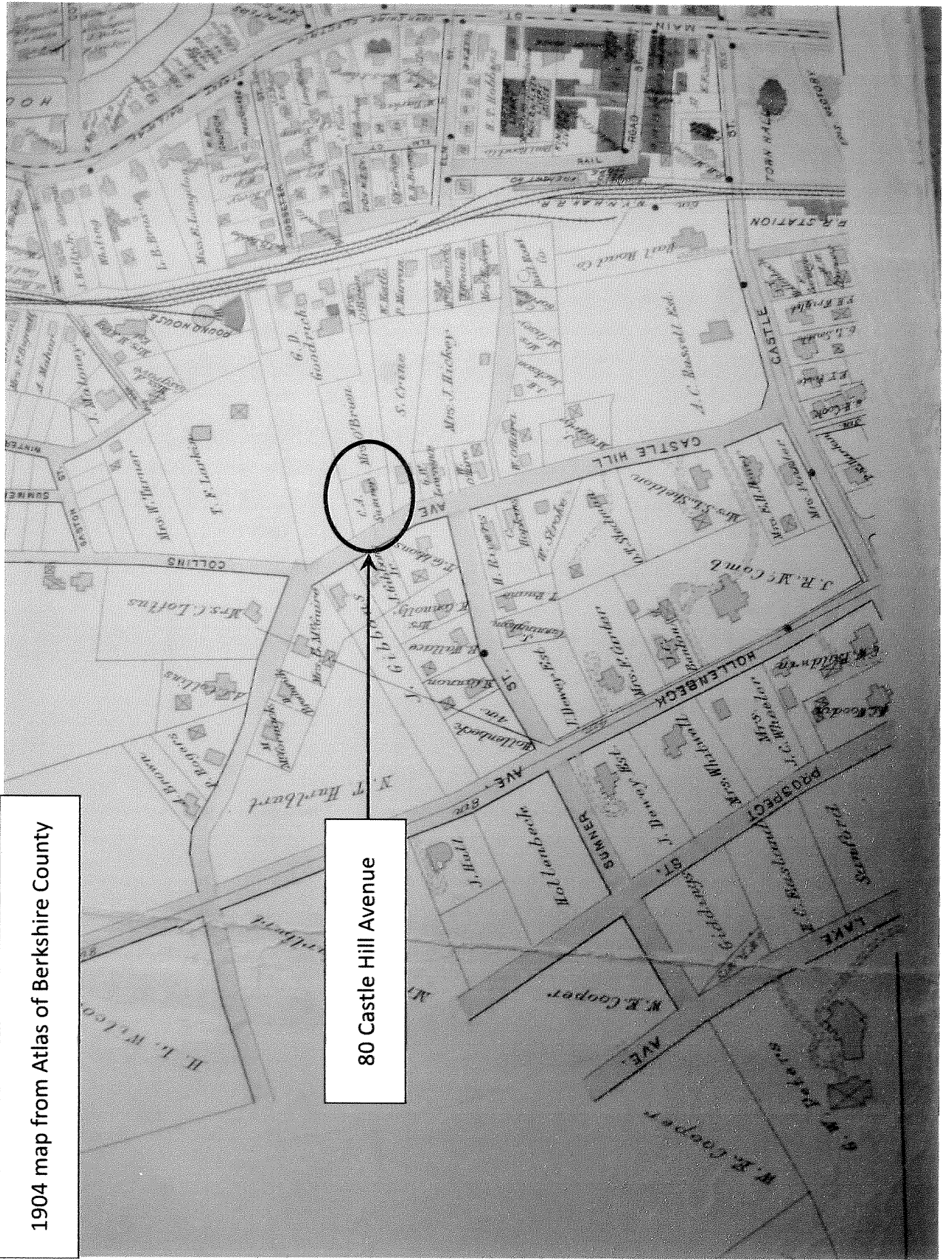
SIGNED \_\_\_\_\_  
PROFESSIONAL LAND SURVEYOR



PLAN OF LAND SURVEYED FOR  
**SAMUEL T. ERNST & VALRIDEAN IVY-ERNST**  
GREAT BARRINGTON, MASSACHUSETTS  
AUGUST - 2003 SCALE 1" = 20'  
**KELLY, GRANGER, PARSONS & ASSOCIATES, INC.**  
ENGINEERS AND SURVEYORS  
212 MAIN STREET  
P.O. BOX 88  
GREAT BARRINGTON, MASSACHUSETTS 01230  
PHONE (413) 528-2591  
FAX (413) 528-9122  
E-MAIL: KGA@KGPAS.COM

1904 map from Atlas of Berkshire County

80 Castle Hill Avenue



**EXECUTIVE SUMMARY**

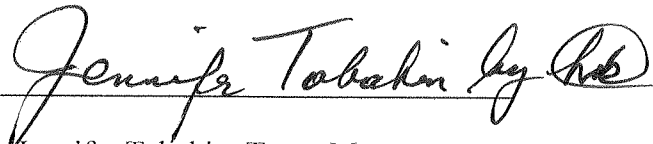
**TITLE:** Appointment of Fence Viewers.

**BACKGROUND:** The Town has advertised for residents to serve as Fence Viewers. Bernard Drew and Kurt Barbieri have applied for the position. MGL Chapter 49 Sec. 1 states that the Selectboard shall annually appoint two or more fence viewers.

**FISCAL IMPACT:** Not applicable.

**RECOMMENDATION:** Appoint Bernard Drew and Kurt Barbieri as Fence Viewers in the Town of Great Barrington until June 30, 2015.

**PREPARED AND REVIEWED BY:**

A handwritten signature in cursive script that reads "Jennifer Tabakin" followed by a circled "R" or "S" in a circle.

Jennifer Tabakin, Town Manager

**DATE:**

2/20/15

## POUNDS AND IMPOUNDING OF CATTLE, FIELD DRIVERS

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

## FENCES AND FENCE VIEWERS

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

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

**History—**

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

**Annotations—**

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

## CASE NOTES

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

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

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

Mass 156; Boston & A. R. Co. v Briggs (1882) 132 Mass 24; Kennedy v Owen (1883) 134 Mass 227; GL [Ter Ed] ch 49 § 11); (2) by prescription (Bronson v Coffin (1871) 108 Mass 175; or (3) by assignment by fence viewers of city or town under ALM GL c 49 §§ 1 et seq. Deane v Carniss (1936) 294 Mass 221, 200 NE 923.

Statutes requiring partition fences have been in force in Massachusetts from early date, and it is believed that their constitutionality has never been challenged. Butman v Fence Viewers of Chelsea (1951) 327 Mass 386, 99 NE2d 44.

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

**§ 2. Fences Defined.**

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

**History—**

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

**Cross References—**

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

**Jurisprudence—**

35A Am Jur 2d, Fences § 1.

**Annotations—**

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

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

## CASE NOTES

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