

Jennifer Tabakin  
Town Manager

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[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

### SELECTBOARD'S MEETING

MONDAY, JULY 14, 2014

7:00 P.M. – REGULAR SESSION

TOWN HALL, 334 MAIN STREET

### ORDER OF AGENDA

#### 7:00 PM - OPEN MEETING

#### 1. CALL TO ORDER.

#### 2. APPROVAL OF MINUTES:

June 9, 2014 Regular Meeting  
June 23, 2014 Regular Meeting  
July 1, 2014 Special Meeting

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

A. GENERAL COMMENTS BY THE BOARD.

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

#### 5. PUBLIC HEARING:

- A. MSCGB, INC. D/B/A THE 528 CAFÉ, THERESA SONSINI, MANAGER FOR A NEW COMMON VICTUALLER ALL ALCOHOLIC RESTAURANT LIQUOR LICENSE WITH OUTDOOR SEATING FOR 24 SEATS AT 249 STOCKBRIDGE ROAD.
- Open Public Hearing
  - Explanation of Project
  - Speak in Favor/Opposition
  - Motion to Close Public Hearing
  - Motion re: Findings
  - Motion re: Approval/Denial/Table

#### 6. LICENSES OR PERMITS:

A. DAVID RYNES (BEYOND STRUCTURE BUILDERS) FOR ROBERT STEIN AND GAIL EDWIN FOR A DRIVEWAY PERMIT AT SEEKONK CROSS ROAD (JUST BEFORE GB/ALFORD TOWN LINE-PARCEL ID:113/O33.0-0000-0092.0). (DISCUSSION/VOTE)

B. J. ALAIN FERRY/RACE CANCER FOUNDATION'S RUNNING MAN FESTIVAL FOR

PERMISSION TO USE A PORTION OF LAKE BUEL ROAD FOR A 24 HOUR RUNNING RELAY RACE AT SKI BUTTERNUT OVER LABOR DAY WEEKEND (AUGUST 30-31, 2014). (DISCUSSION/VOTE)

C. LINDA B. DAY/GREAT BARRINGTON ROTARY & BERKSHIRE AVIATION FOR TEMPORARY WEEKDAY ENTERTAINMENT LICENSE FOR AUGUST 16, 2014 FROM 10:00 AM - 4:00 PM FOR FLY-IN AT GREAT BARRINGTON AIRPORT, 70 EGREMONT PLAIN ROAD. (DISCUSSION/VOTE)

D. LINDA B. DAY/GREAT BARRINGTON ROTARY & BERKSHIRE AVIATION FOR TEMPORARY SUNDAY ENTERTAINMENT LICENSE FOR AUGUST 17, 2014 (RAIN DATE) FROM 10:00 AM - 4:00 PM FOR FLY-IN AT GREAT BARRINGTON AIRPORT, 70 EGREMONT PLAIN ROAD. (DISCUSSION/VOTE)

E. ADAM MEAD/GREAT BARRINGTON FIRE ASSOCIATION FOR PERMISSION TO HOLD 2014 MAIN STREET CAR SHOW ON AUGUST 7, 2014 (RAIN DATE AUGUST 14, 2014) FROM 2:00 PM – 9:00 PM. (DISCUSSION/VOTE)

F. TOWN OF GREAT BARRINGTON TO MASSACHUSETTS ELECTRIC COMPANY /NATIONAL GRID - GRANT OF EASEMENT TO RELOCATE THE EXISTING TRANSFORMER AT THE WASTEWATER TREATMENT PLANT (WWTP) ON BENTLEY ROAD. (DISCUSSION/VOTE)

G. NATIONAL GRID FOR PERMISSION TO INSTALL A NEW ELECTRIC SO POLE #2-5, 60 FEET SOUTHWEST OF POLE 2, LOCATION BEGINS APPROXIMATELY 840 FEET SOUTH OF THE CENTERLINE OF THE INTERSECTION OF BRIDGE STREET. (DISCUSSION/VOTE)

**7. NEW BUSINESS:**

A. FY 15 RE-APPOINTMENT TO THE ENERGY COMMITTEE. (DISCUSSION/VOTE)

B. SB – SPECIAL MUNICIPAL EMPLOYEE DESIGNATION FOR COMMUNITY PRESERVATION COMMITTEE (CPC). DISCUSSION/VOTE

C. SB – RECOMMENDATION TO THE ZBA ON THE SPECIAL PERMIT APPLICATION OF HOUSATONIC SOLAR 1 LLC TO INSTALL A SOLAR PANEL ARRAY IN THE FORMER GRAVEL BED AT 49 VAN DEUSENVILLE ROAD IN AN R2 1-ACRE RESIDENTIAL ZONE. (DISCUSSION/VOTE)

D. SB – RECOMMENDATION TO THE ZBA ON THE SPECIAL PERMIT APPLICATION OF BIG Y FOODS INC. TO ALTER A LOADING DOCK AT A PRE-EXISTING, NON-CONFORMING COMMERCIAL STRUCTURE AT 740 MAIN STREET IN A B-2 BUSINESS ZONE. (DISCUSSION/VOTE)

**8. OLD BUSINESS:**

**9. CITIZEN SPEAK TIME:**

CLAUDIA SHAPIRO

**10. SELECTBOARD'S TIME:**

**11. MEDIA TIME:**

**12. ADJOURNMENT:**

NEXT SELECTBOARD'S REGULAR MEETING: MONDAY, JULY 28, 2014 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.

**TOWN OF GREAT BARRINGTON**

**NOTICE OF PUBLIC HEARING**

The Board of Selectmen will hold a public hearing on Monday, July 14, 2014 at 7:00 PM at the Town Hall, 334 Main Street, Great Barrington, MA 01230 to act on the application of MSCGB, Inc. d/b/a The 528 Café, Theresa Sonsini, Manager for a new Common Victualler All Alcoholic Restaurant Liquor License with outdoor seating for 24 seats at 240 Stockbridge Road, Great Barrington, MA 01230.

Deb Phillips  
Chair

**PLEASE PUBLISH June 27, 2014 and July 3, 2014.**

JUN 27 2014

Board of Selectmen

Fee \$50.00 (pd)

BOARD OF SELECTMEN  
GREAT BARRINGTON, MA

Application for Access to a Public Way / Driveway Permit

Number \_\_\_\_\_

**INSTRUCTIONS**

RETURN FIVE (5) COPIES OF THIS FORM AND ALL ACCOMPANYING PLANS, ALONG WITH THE \$50.00 FEE to the Department of Public Works office in Town Hall, 2nd Floor, 334 Main Street, Great Barrington, MA 01230. Plans must show the location of the driveway on the property and must also indicate all details needed in order to determine that driveway regulations are met, including paving material, width, grade, drainage, culverts, angle to street, etc. See Chapter 153 of the Town Code for driveway regulations.

Application Date 6/19/2014

Name of Applicant / Property Owner David Rynes (Beyond Structure Builders) for Robert Stein and Gail Edwin

Mailing address 60 Riverside Drive, Apartment 4D, New York, NY, 10024

Phone number (413) 441-0299 (David Rynes)

Location of proposed driveway / highway entrance Parcel ID: 113/033.0-0000-0092.0 See Konk Cross Road (just before GB/Alford town line)

Contractor who will perform the work McKnight's Landscape and Excavation

Address & phone number of contractor 11 Ash Lane, Peru, MA. (413) 841-1988

Proposed construction date 6/30/14

Type of driveway (gravel, asphalt, etc.) Gravel Driveway

Print Form

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

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

Applicant's Signature: [Signature]

**FOR STAFF USE ONLY**

**RECOMMENDATION OF DPW / HIGHWAY SUPERINTENDENT**

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

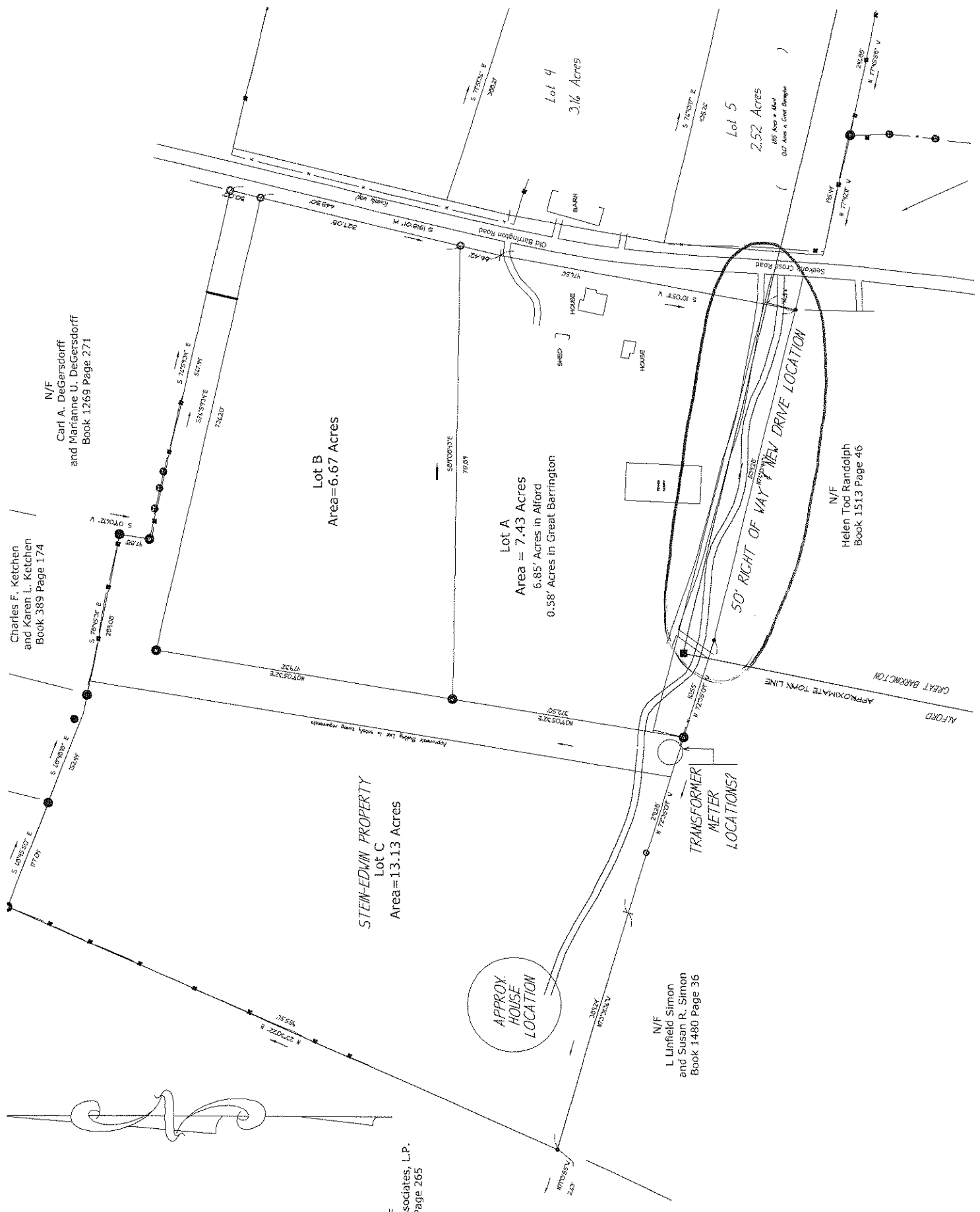
Staff Reviews Received:

	Received	Conditions Recommended	Other Permits Required
Conservation:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire Chief:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Planning:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**PERMIT FOR ACCESS TO A PUBLIC WAY / DRIVEWAY**

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

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



Charles F. Ketchen  
and Karen L. Ketchen  
Book 389 Page 174

N/F  
Carl A. DeGersdorff  
and Marianne U. DeGersdorff  
Book 1269 Page 271

Lot B  
Area = 6.67 Acres

Lot A  
Area = 7.43 Acres  
6.85' Acres in Alford  
0.58' Acres in Great Barrington

STEIN-EDWIN PROPERTY  
Lot C  
Area = 13.13 Acres

N/F  
L Linfield Simon  
and Susan R. Simon  
Book 1480 Page 36

N/F  
Helen Tod Randolph  
Book 1513 Page 46

Lot 4  
3.16 Acres

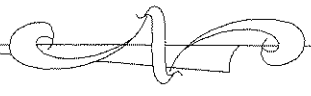
Lot 5  
2.52 Acres  
(85' Area & Met.)  
(17' Area & Great Barrington)

N/F  
Riggs Family Associates, L.P.  
Book 757 Page 265

APPROX.  
HOUSE  
LOCATION

TRANSFORMER  
METER  
LOCATIONS?

50' RIGHT OF WAY FOR NEW DRIVE LOCATION

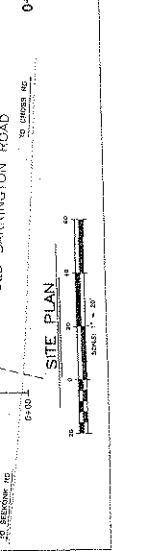
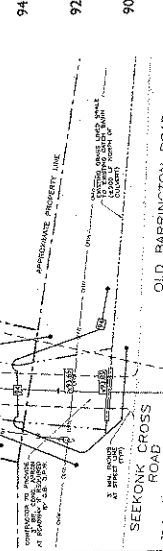
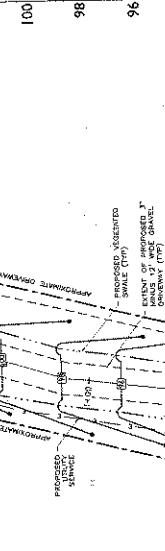
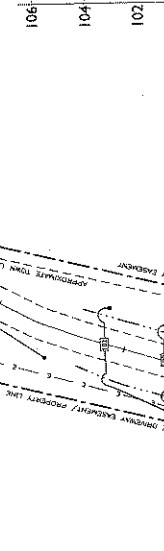
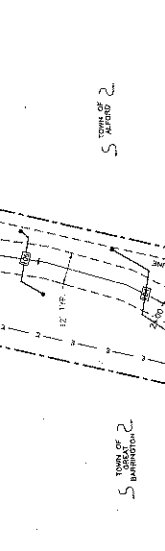
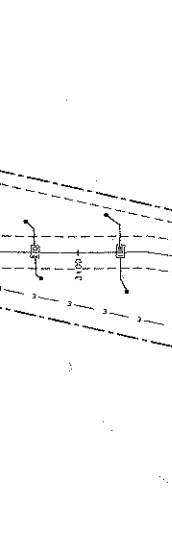
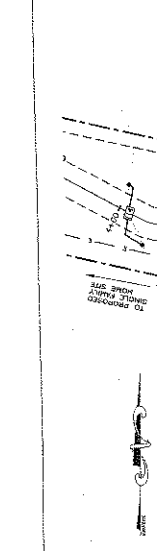
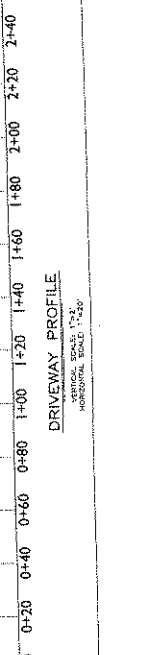
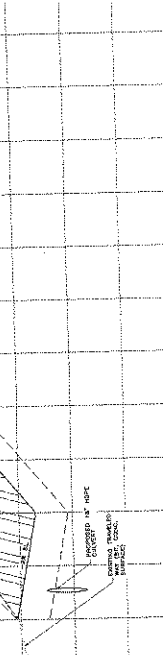
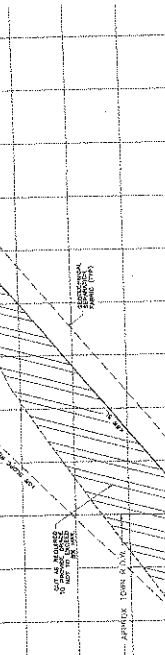
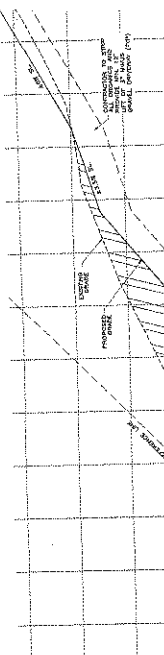
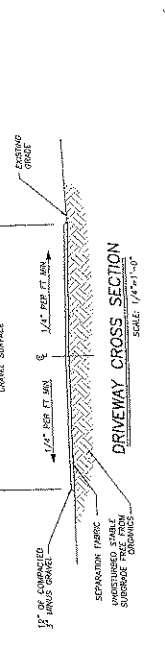
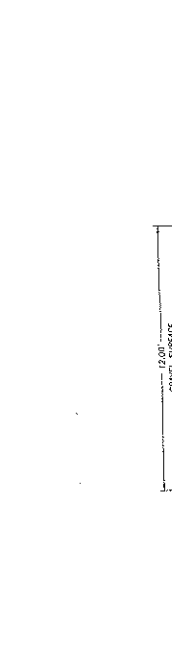
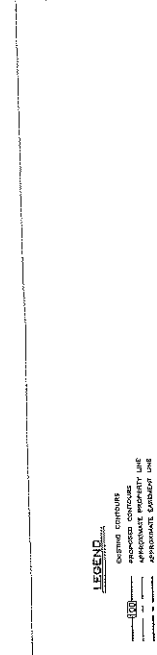
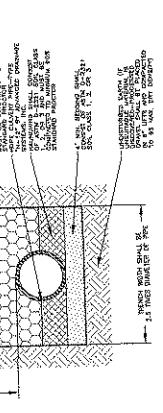
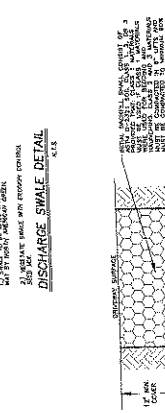
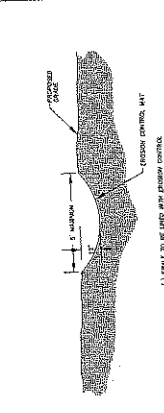
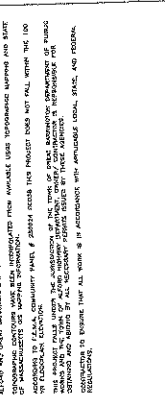


PREPARED FOR: LAND OF STEIN-EDWIN  
 670 BEYOND STRUCTURES INC.  
 DRAWING TITLE: DRIVEWAY PERMITTING PLAN  
 FOR PROPERTY LOCATED AT  
 SEEKONK CROSS ROAD / OLD BARRINGTON ROAD  
 GREAT BARRINGTON AND A/F/OH, MASSACHUSETTS

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITTING	08/11/10
2	REVISED PER PERMITTING	08/11/10

PROJECT NO.: 10-07-101  
 SHEET NO.: 22/27  
 PROJECT LOCATION: SEEKONK CROSS ROAD / OLD BARRINGTON ROAD  
 PROJECT DATE: 08/11/10

**GENERAL NOTES:**  
 1. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL GOVERNMENT AGENCIES.  
 2. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL GOVERNMENT AGENCIES.  
 3. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL GOVERNMENT AGENCIES.  
 4. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL GOVERNMENT AGENCIES.  
 5. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL GOVERNMENT AGENCIES.





TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

DEPARTMENT OF PUBLIC WORKS  
Highway Division

**Conditions on Application for Access to Public Way**

Applicant: Robert Stein & Gail Edwin  
Location: Seekonk Cross Road, Parcel ID: 113/033.0-0000-0092.0  
From: Pete Soules Highway/Facilities Superintendent  
Date: July 9, 2014

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



- I. Driveway width shall not be less than 8-feet nor more than 16-feet within the town right-of-way. Any curb at the entrance shall be rounded off with a radius of three (3) feet.
  - J. Pitch of driveway shall be downward from the edge of the road to sideline of the town right-of-way or front property line.
  - K. Driveways should be located to the best advantage with respect to the alignment with the way, profile and sight distance conditions. In no instance shall a driveway intersect the way at less than a sixty degree angle. Unless there is no alternative, a driveway should not be located within a required side yard.
  - L. No permit shall be issued for any driveway to a structure or proposed structure on a grade in excess of ten percent (10%) above the road or street level until and unless the applicant submits plans to the Highway Superintendent showing that the driveway will be constructed in a such a way so as not to discharge water, stones or other materials onto any public street, road or highway.
2. Install a paved driveway apron in accordance with the following requirements:
- A. Apron dimensions: Width = 22-feet maximum along the roadway which includes a 3-foot radius curb on each side. Length = 5-feet minimum from edge of roadway. ***The Driveway apron is required and shall be constructed per the attached plan by Berkshire Engineering, Inc.***
  - B. Place 3-inches of bituminous concrete on 12-inches of compacted gravel.
  - C. Place asphalt tack coat along the edge of the road where the apron meets the edge of the existing pavement.

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

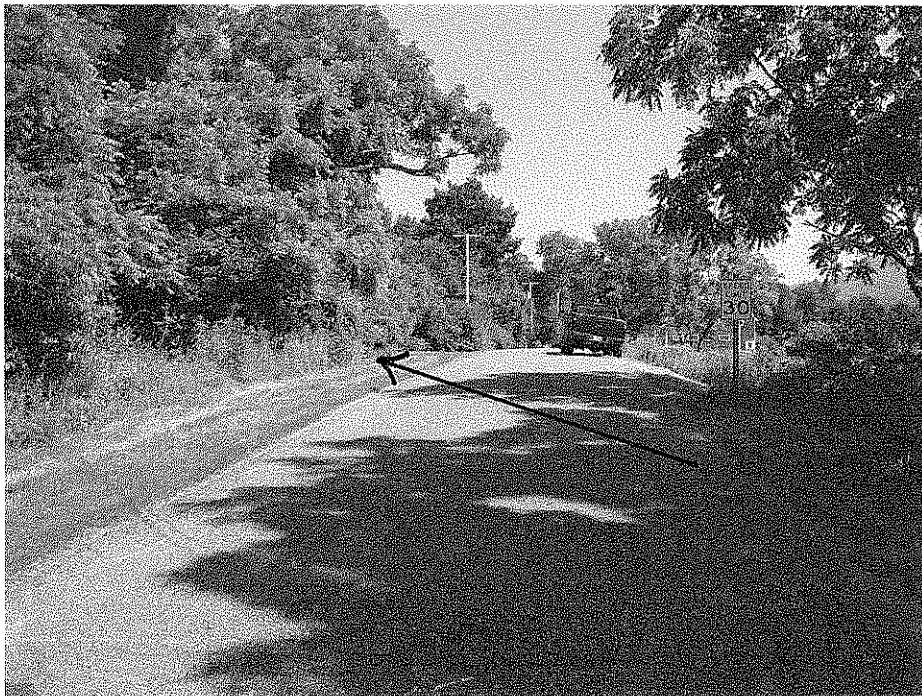
- 3. Should there be, after completion of the driveway, discharges of water, stones, or silt onto the public way or onto property of any abutters or neighbors, the property owner shall take whatever steps are necessary to eliminate such discharges.
- 4. The applicant shall maintain the proposed access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

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



Seekonk Cross Road

Looking South



Seekonk Cross Road

Looking North

## Joseph Sokul

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**From:** Charles Burger  
**Sent:** Friday, July 11, 2014 11:06 AM  
**To:** Joseph Sokul  
**Subject:** Re: Seekonk Cross Road Driveway Permit

No problems for the FD for the driveway permit on Seekonk Cross Road

Sent from my iPhone

On Jul 11, 2014, at 10:30 AM, "Joseph Sokul" <[jsokul@Townofgb.org](mailto:jsokul@Townofgb.org)> wrote:

Charlie:

Can you email a quick approval note on the Stein-Edwin Driveway application on Seekonk Cross Rd.

Thanks

Joe Sokul, DPW Superintendent

Town of Great Barrington

334 Main Street

Great Barrington, MA 01230

P: (413) 528-0867

C: (413) 717-0807

F: (413)528-2290

## Joseph Sokul

---

**From:** Chris Rembold  
**Sent:** Friday, July 11, 2014 10:00 AM  
**To:** Joseph Sokul  
**Subject:** Driveway permit

Joe,

I reviewed the Stein-Edwin driveway permit application for Seekonk Cross Rd / Old Barrington Rd and visited the site. I see no planning issues.

Thank you,  
Chris

---

**Christopher T. Rembold, AICP**

Town Planner  
Town of Great Barrington  
334 Main Street  
Great Barrington, MA 01230  
Ph: (413) 528-1619, x. 7  
[www.townofgb.org](http://www.townofgb.org)

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



Town Hall, 334 Main Street  
Great Barrington, MA 01230

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

# TOWN OF GREAT BARRINGTON MASSACHUSETTS

DEPARTMENT OF PUBLIC WORKS

## MEMORANDUM

Date: Friday, June 27, 2014

To: Jennifer Bailly, Town Manager Admin. Assistant  
Joe Sokul, DPW Superintendent  
Peter Soules, Highway Superintendent  
Christopher Rembold, Town Planner  
Shep Evans, Conservation Commission Agent ✓  
Charles Burger, Fire Chief

*Non-Jurisdictional  
Soules, Agent*

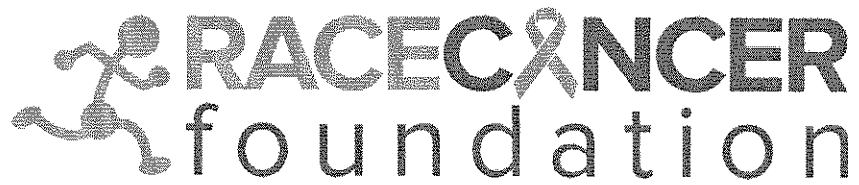
From: Joan Johnsen

Re: Driveway Permit Application  
Parcel ID: 113/033.0-0000-0092.0 (see attached map)  
Robert Stein and Gail Edwin, Property Owners  
Contractor: David Rynes – Beyond Structure Builders

\*\*\*\*\*

Attached please find a Driveway Permit application for the property listed above. Please review and comment at your earliest convenience. We would like to place this permit on the Selectmen's Agenda for July 14<sup>th</sup> 2014.

Thank you



*presents the inaugural*

**Running Man Festival - August 30-31, 2014**  
**24 Hour Team Relay Running Race**  
**Ski Butternut - Great Barrington, MA**



## Summary:

The RACE Cancer Foundation produces events to raise funds and awareness for charitable projects and organizations dedicated to fighting cancer. We have over seven years of experience producing running events in the Greater Boston area. Our running events vary in size and format, from ~400 person trail races in Franklin Park to our 2,400+ person 5-mile road race in Cambridge.

With experience across a spectrum of event formats and years of feedback from thousands of runners, we believe New England is hungry for a running relay race modeled after 24-hour mountain bike festivals. We hope to attract 100 teams comprised of 800-1,000 runners to Ski Butternut to run our challenging 5K (3.1 miles) course while raising funds for cancer non-profits and local community organizations.

### WHEN:

The race will begin and 12-noon on Saturday August 30th and end at 12-noon on Sunday August 31st. The post-race party will start take place from 1pm to 6pm on Sunday August 31st.

### WHAT:

This will be a team relay running race, where runners complete laps of a 5K (3.1 miles) course. We aim to have 100 teams of 6-24 runners per team, with an expected 800-1,000 total runners in 2014.

During the race, each team will have one runner out on the course while the rest of the team remains on standby in the festival area or resting at their camp-site. As runners complete a lap, they either continue out onto the course for another lap or enter the exchange area to hand their baton to the next runner on their team. At the end of 24 hours, teams will be ranked based on the number of laps they've completed.

\* The exchange area will include a stage for music, an expo area, a yoga tent, a mist tent, a first-aid tent and a 21+ beer garden for the post-race party on Sunday afternoon. Since runners will have rests of 2-6 hours between their runs, they will be allowed to erect a tent in the designated "camping" area next to the parking lot.

### WHERE:

Ski Butternut, Great Barrington, MA

\* The Beer Garden - under Butternut's Liquor License.

## COURSE:

5K loop starts and finishes at the base of Ski Butternut, marked by the blue star in the map below. Traveling counter-clockwise, the first third of a mile is flat, before a half mile climb up the Cruiser trail. Upon reaching the Crosstown trail, the course turns left and descends down the access road to Lake Buel Road.

Runners then take two quick left turns onto the eastbound shoulder of State Road (route 23/183) for half a mile to the entrance of Ski Butternut. Upon returning onto Ski Butternut property, the course's final mile cuts through the cross country ski area and then traverses the bunny slopes and maintenance road before returning to the finish line in the exchange area, marked by the red box above the blue star.





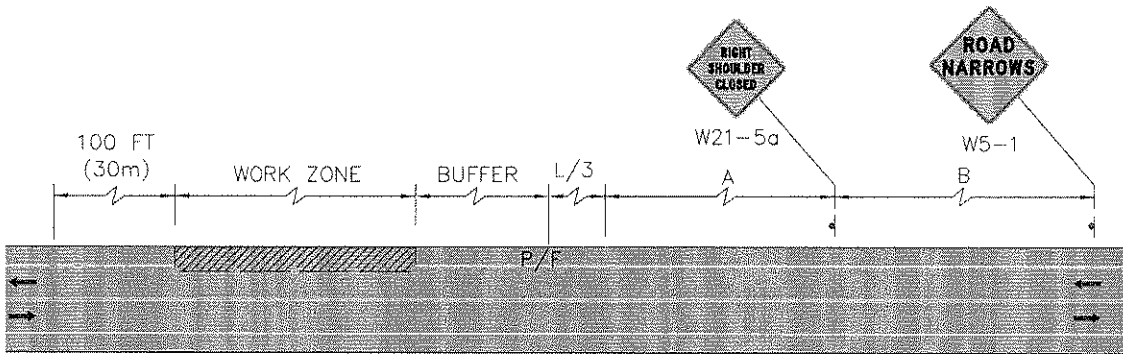
# Traffic Management Plan:

Prepared in accordance with 701 C.M.R. § 7.00

The course includes half a mile along the eastbound shoulder of State Road (route 23/183) between Ski Butternut and Lake Buel Road which requires a non-vehicular access permit from the Massachusetts DOT.

Starting at 12pm on Saturday August 30th, signage, lighted traffic stanchions, reflective traffic cones and personnel (flaggers and police detail) will be in place to alert vehicular traffic that the eastbound shoulder will be closed. All signage warning of the shoulder closure as well as the shoulder taper and placement of cones will be made in accordance with Mass DOT Regulations for Road Flaggers and Police Detail.

In the diagram below, the area labeled "WORK ZONE" represents the eastbound shoulder of route State Road (route 23/183) between Ski Butternut (380 State Road) and Lake Buel Road. Signage and taper will begin west of the Ski Butternut entrance. Downstream taper occurs immediately east of Lake Buel Road.



## Production Team:

### Confirmed:

J. Alain Ferry - Race Director - [alain@runagainstcancer.org](mailto:alain@runagainstcancer.org)  
Kathleen McGonagle - Registration Director - [kathleen@runagainstcancer.org](mailto:kathleen@runagainstcancer.org)  
Josh Warren - Course Director  
Greg Pickesimer - Technical Director  
Dave Papp - Operations Team  
Dan Lamoreaux - Operations Team  
Julie Coppenrath - Registration  
Mark Bockmann - Timing Director  
Nicolas Fichera - Timing Crew  
Charles Bernard - Emcee/DJ/Lighting

### TBD:

Brogan Graham  
Goldie Graham  
Bojan Mandaric  
Brad Mish

### Volunteer shifts:

Sat: 7am-11:30am - course setup, registration, parking  
Sat: 10am-2:30pm - registration, course marshals, parking, water stops  
Sat: 11am-3:30pm - registration, parking  
Sat: 2pm-6:30pm - registration, course marshals, parking, water stops  
Sat: 4pm-8:30pm - course marshals, water stops  
Sat: 8pm-12:30am - course marshals, water stops  
Sun: 12am-4:30am - course marshals, water stops  
Sun: 4am-8:30am - course marshals, water stops  
Sun: 8am-12:30pm - course marshals, water stops  
Sun: 11am-3:30pm - course marshals, water stops, clean-up, parking  
Sun 3pm-7pm - water stops, clean-up, parking

**Helen Kuziemko**

*\* Permission Letter*

**From:** daver <daver@skibutternut.com>  
**Sent:** Friday, July 04, 2014 2:31 PM  
**To:** Helen Kuziemko  
**Subject:** Re: Permission Letter for Berkshire Cycling Assoc.

Dear Selectmen,

Please be advised the Ski Butternut would like to host the following events later this summer:

*X* Sat, 8/30/14 - Sun, 8/31/14: RACE Cancer Foundation's Running Man Festival - a 24 hour running relay race

Sat. 9/6./14: Berkshire Bike & Board Cyclecross - Bicycle event

Ski Butternut approves and hereby gives permission to the promoters of these events to obtain any and all licenses or permits that may be required for the events. If you have any questions whatsoever, please do not hesitate to call (or email) me. Thank you for your anticipated cooperation in supporting these events.

--  
Sincerely,

David P. Ryel  
Ski Butternut  
Sales Manager  
413-528-2000 x154

On 7/2/2014 12:12 PM, Helen Kuziemko wrote:

Hello Dave,

Attached please find an Entertainment Application from Berkshire Cycling Association. They plan to hold a bike race at Butternut on Sat. Sept. 6, 2014 from 9 am – 5 pm. Could you please send us a permission letter from Butternut allowing them to hold this event on the property. Any questions, please call us.

Thank you.

**Helen V. Kuziemko**  
**Administrative Assistant**  
**Board of Selectmen/Town Manager**  
**Town of Great Barrington**  
**334 Main Street**  
**Great Barrington, MA 01230**  
**413.528.1619 x2**  
**413.528.2290 fax**

## Helen Kuziemko

---

**From:** Chris Rembold  
**Sent:** Friday, July 11, 2014 1:49 PM  
**To:** Helen Kuziemko; Jennifer Bailly  
**Subject:** 24- hour race at Butternut

At its meeting on June 26 the DRT reviewed the proposed "Running Man Festival" proposed for Butternut on August 30 and 31. We reviewed both the running race (request to use a town road) and the entertainment license requests. The team has no issues with either the race or the entertainment.

Chris

---

Christopher T. Rembold, AICP

Town Planner

Town of Great Barrington

334 Main Street

Great Barrington, MA 01230

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

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



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

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

Name: Linda B. Day

Business/Organization: Great Barrington Rotary & Berkshire Aviation

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

Address: PO Box 444, Stockbridge, MA 01262

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

Phone Number: 413-298-3797

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

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

Other (please explain) Fly-In at Great Barrington Airport

(limited) (WSBS)

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

Dancing by patrons  Amplification system  Theatrical exhibition

Floorshow  Play  Moving picture show  Light show  Jukebox

Other (please explain) Food + craft vendors, hobby plane demos, hot air balloon rides, scenic plane rides, planes landing + taking off (an annual family oriented event)

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

\_\_\_ YES  NO

Please circle: INDOOR or **OUTDOOR** Entertainment

Exact Location of Entertainment (include sketch): 70 Egremont<sup>Plain</sup> Road —  
all within the Great Barrington Airport (including parking)

Date(s) of Entertainment\*: Saturday, August 16, 2014  
\*Does not include SUNDAY

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

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

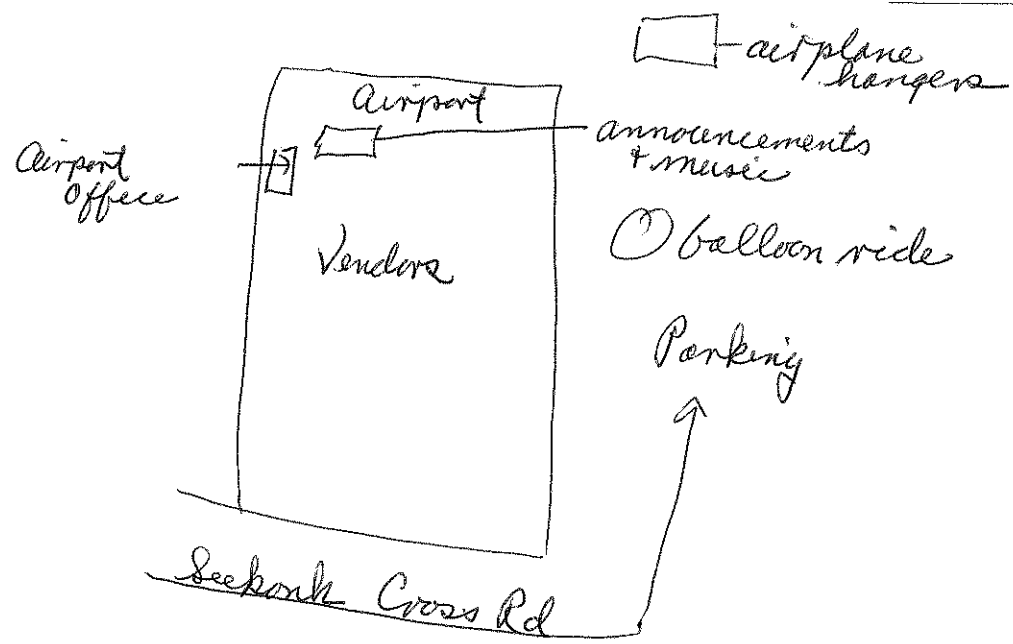
Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

Linda B. Day      6/27/14      \_\_\_\_\_  
Signature of Individual or      Date      SS# or FID#  
Corporate Officer

TOWN USE ONLY:

DRT Review with Conditions: DRT reviewed 7/1/14 & sees no issues. Note  
the stage may be subject to 521 CMR handicapped access code. @ 7/1/14

APPROVAL DATE: \_\_\_\_\_ LICENSE # \_\_\_\_\_



RAIN DATE



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

\_\_\_ Hours between 1:00 pm-11:59 pm (\$2.00 per Sunday)      ✓ Hours between <sup>10:00 am - 4:00 PM</sup> ~~9:00 am - 11:59 pm~~ (\$5.00 per Sunday)

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

Name: Linda B. Jay

Business/Organization: Great Barrington Rotary + Berkshire Aviation

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

Address: PO Box 444, Stockbridge, MA 01262

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

Phone Number: 413-298-3797

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

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

Other (please explain) Fly-In at Great Barrington Airport  
(limited) (WSBS)

INCLUDES:  Live music  Recorded music  Dancing by entertainers/ performers

Dancing by patrons  Amplification system  Theatrical exhibition

Floorshow  Play  Moving picture show  Light show  Jukebox

Other (please explain) Food & craft vendors, hobby plane demos, hot air balloon rides, scenic plane rides, planes landing & taking off (an annual family oriented event)

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

\_\_\_ YES      X NO

Please circle: INDOOR or **OUTDOOR** Entertainment

Exact Location of Entertainment (include sketch): 70 Egremont Plain Road  
all within the Great Barrington Airport (including parking)

Date(s) of Entertainment: Sunday, August 17, 2014 (rain date)

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

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

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

Jenifer B. Day  
Signature of Individual or  
Corporate Officer

6/27/14  
Date

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

-----  
**TOWN USE ONLY:**

DRT Review with Conditions: DRT reviewed & has no issues. Note the stage  
may be subject to 521 CMR handicapped access code (CP) 7/1/14

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

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





TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

DEPARTMENT OF PUBLIC WORKS

EXECUTIVE SUMMARY

**TITLE:** 2014 Main Street Car Show

**BACKGROUND:** August 7, 2014 will be fifth year in a row the Great Barrington Fire Association has made the request for closing the streets for the Main Street Car Show. The event has been a success from its beginning and has become an annual event in the Town.

As in previous years Town Hall will have vehicles parked on site along with a request to eliminate parking on Main Street from Bridge Street to Elm Street, Castle Street and both sides of Railroad Street. Temporary "No Parking after 2:00pm" signs will be placed on Main Street, Railroad Street, Castle Street, and around Town Hall.

Main Street will narrow down to tractor-trailer traffic only after 3:30 pm with the assistance of the GBPD. "Car" traffic will re-route up Bridge Street, East Street, and Cottage Street. GBFD will WALK ALL tractor-trailer traffic down Main Street during the car show.

All show cars will be cleared from Main Street, Railroad Street, Castle Street, and Town Hall by 9:00pm. All roads will then be open for normal traffic.

**RECOMMENDATION:** The Selectboard vote to support this event and send a letter of support.

**FISCAL IMPACT:** There is no fiscal impact for the Town. All costs associated with the car show are borne by the organizer.

**PREPARED BY:** \_\_\_\_\_

*Joe Sokul*  
Joe Sokul, DPW Superintendent

**DATE:** 07/01/2014

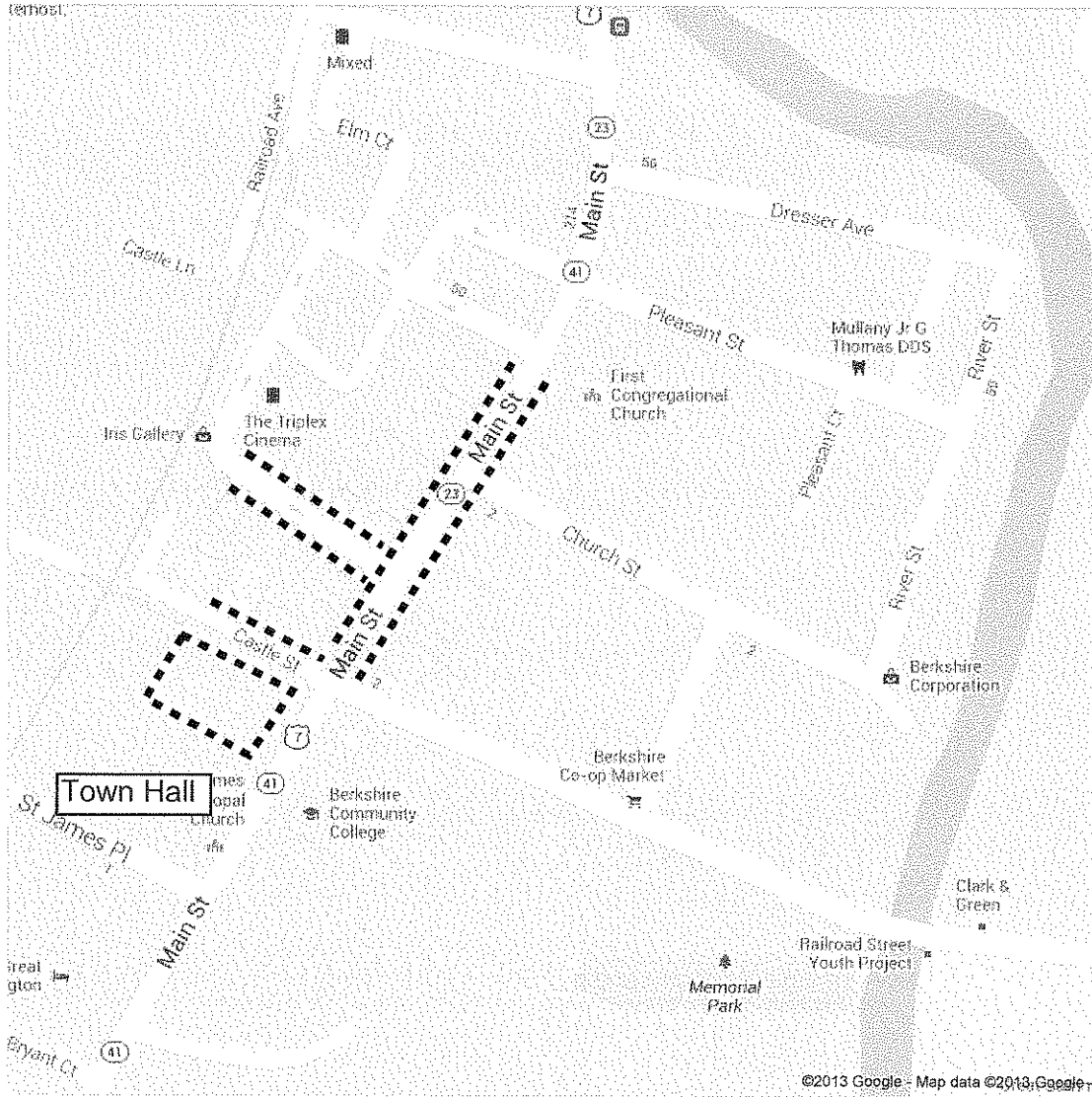

**REVIEWED BY:** \_\_\_\_\_

*Jennifer Tabakin*  
Jennifer Tabakin, Town Manager

**DATE:** 7/9/2014



Get Google Maps on your phone  
Text the word "GMAPS" to 466453



## Helen Kuziemko

---

**From:** Jennifer Tabakin  
**Sent:** Tuesday, June 24, 2014 4:44 PM  
**To:** Helen Kuziemko  
**Subject:** FW: Car Show

The Great Barrington Fire Association has requested Thursday August 7, for the Main Street Car show. They agreed to have the rain date on August 14<sup>th</sup>.

Jennifer Tabakin  
Town Manager  
Town of Great Barrington  
334 Main Street  
Great Barrington, MA 01230  
413-528-1619 x2

## Jennifer Bailly

---

**From:** Chris Rembold  
**Sent:** Tuesday, July 01, 2014 10:15 AM  
**To:** Jennifer Bailly  
**Subject:** Car show

The DRT reviewed the August 7 (rain date Aug 14) Main Street car show at its meeting this morning. The team sees no issues with the event. The team notes the following:

Main Street closed to through traffic at about 3:45 until 9:00 PM. Tractor trailers will be walked through.  
Detours set up at Bridge and Cottage Streets  
Cars will be parked on both sides of Main Street, as well as Castle Street and Railroad Street and Town Hall  
Will not interfere with Main Street project  
Chamber will coordinate food vendors and permitting with Health Dept.  
Police details to be coordinated by organizers with PD

Chris

---

**Christopher T. Rembold, AICP**  
Town Planner  
Town of Great Barrington  
334 Main Street  
Great Barrington, MA 01230  
Ph: (413) 528-1619, x. 7  
[www.townofgb.org](http://www.townofgb.org)



TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

DEPARTMENT OF PUBLIC WORKS

**EXECUTIVE SUMMARY**

**TITLE:** Grant of Easement – National Grid - WWTP

**BACKGROUND:** As part of the Wastewater Treatment Plant Phase I Upgrades National Grid is replacing / relocating the existing transformer with a new transformer including the pad and relocating the existing utility pole to accomplish this work.

To maintain this equipment National Grid needs an easement from the Town for access and maintenance activities.

**RECOMMENDATION:** The Board of Selectmen signs the attached document granting National Grid an easement.

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

**PREPARED AND REVIEWED BY:** \_\_\_\_\_

*Joe Sokul*  
Joe Sokul, DPW Superintendent

**DATE:** 06/27/2014

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

*Jennifer Tabakin*  
Jennifer Tabakin, Town Manager

**DATE:** 7/10/14

Property Address: 100 Bentley Rd, Great Barrington, MA (Southern Berkshire County)

## GRANT OF EASEMENT

**TOWN OF GREAT BARRINGTON**, acting by and through its Board of Selectmen, being a municipal corporation with a principal place of business at 334 Main Street, Great Barrington, Massachusetts 01230 (hereinafter referred to as the Grantor), for consideration of One (\$1.00) dollar, grants to **MASSACHUSETTS ELECTRIC COMPANY**, a Massachusetts corporation with its usual place of business at 40 Sylvan Road, Waltham, Massachusetts 02451 (hereinafter referred to as the Grantee) with quitclaim covenants, the perpetual right and easement to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, lines to consist of, but not limited to, a line of poles, (which may be erected at different times) with wires and cables strung upon and from the same and all necessary anchors, guys, and appurtenances (hereinafter referred to as the "OVERHEAD SYSTEM") and "UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM" (hereinafter referred to as the "UNDERGROUND SYSTEM") located in Great Barrington, Berkshire County, Massachusetts, consisting of lines of buried wires and cables and lines of wires and cables installed in underground conduits, together with all equipment and appurtenances thereto for the transmission of intelligence and for the furnishing of electric service to the herein described premises and others, and without limiting the generality of the foregoing, but specifically including the following equipment, namely: bollards, handholes, junction boxes, transformers, transformer vaults, padmounts, padmount transformers and all housings, connectors, switches, conduits, cables and wires all located within the easement area of the hereinafter described property.

Said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are located in, through, under, over, across and upon a certain parcel of land situated on the westerly side of Bentley Road, being more particularly described in an Order of Taking dated January 22, 1968 and recorded with the Southern Berkshire County Registry of Deeds in Book 360, Page 205.

WR#14297424

Address of Grantees:  
Mass El. - 40 Sylvan Road, Waltham, Massachusetts 02451

After recording return to:  
Elizabeth A. Fresolone  
National Grid  
Service Company, Inc.  
40 Sylvan Road  
Waltham, MA 02451

05 GBARMA GEN

Said "OVERHEAD SYSTEM" is to originate from Pole #1, which is located on the westerly side of Bentley Road, then proceed in a southerly direction to a line of poles over, upon and across land of the Grantor.

And further, said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Grantor) are approximately shown on a sketch entitled: "NationalGrid Easement & Conduit Sketch 100 Bentley Ave. Great Barrington, MA Scale: None; Date: 5/27/2014, Drawn By: J. Huxley Drawing Number 14297424," a reduced copy of said sketch is attached hereto as "Exhibit A" and recorded herewith, copies of which are in the possession of the Grantor and Grantee herein, but the final definitive locations of said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" shall become established by and upon the installation and erection thereof by the Grantee.

Also with the further perpetual right and easement from time to time without further payment therefore to pass and repass over, across and upon said land of the Grantor as is reasonable and necessary in order to renew, replace, repair, remove, add to, maintain, operate, patrol and otherwise change said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and each and every part thereof and to make such other excavation or excavations as may be reasonably necessary in the opinion and judgment of the Grantee, its successors and assigns, and to clear and keep cleared the portions and areas of the premises wherein the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are specifically located, as shown on the sketch herein referred to, of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces, as may, in the opinion and judgment of the Grantee, interfere with the efficient and safe operation and maintenance of the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and other related electrical equipment. However, said Grantee, its successors and assigns, will properly backfill said excavation or excavations and restore the surface of the land to as reasonably good condition as said surface was in immediately prior to the excavation or excavations thereof.

If said herein referred to locations as approximately shown on the sketch herein also referred to are unsuitable for the purposes of the Grantee, its successors and assigns, then said locations may be changed to areas mutually satisfactory to both the Grantor and the Grantee herein; and further, said newly agreed to locations shall be indicated and shown on the sketch above referred to by proper amendment or amendments thereto. The Grantor, for itself, its successors and assigns, covenant and agrees with the Grantee, for itself, its successors and assigns, that this Grant of Easement and the location of the Overhead System and Underground System may not be changed or modified without the written consent of the Grantee, its successors and assigns, which consent may be withheld by the Grantee in its sole discretion.

It is the intention of the Grantor to grant to the Grantee, its successors and assigns, all the rights and easements aforesaid and any and all additional and/or incidental rights needed to install, erect, maintain and operate within the Grantor's land an "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" for the transmission of intelligence and for the purpose of supplying electric service for the building, buildings or proposed buildings shown on the last herein referred to sketch or amended sketch and the right to service others from said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM".

It is agreed that the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns, shall pay all taxes assessed thereon. Grantor agrees that the rights and easement herein granted are for the purpose of providing service to Grantor's property and the further right to service others from said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM".



For Grantor's title, see Order of Taking dated January 22, 1968 and recorded with the Southern Berkshire County Registry of Deeds in Book 360, Page 205.

IN WITNESS WHEREOF, the TOWN OF GREAT BARRINGTON, has caused its seal to be hereto affixed and these presents to be signed in its name and behalf by its BOARD OF SELECTMEN, being thereto duly authorized this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

TOWN OF GREAT BARRINGTON

Acting by and through its Board  
of Selectmen

\_\_\_\_\_  
By: DEBORAH PHILLIPS, Chair

\_\_\_\_\_  
By: SEAN STANTON, Vice Chair

\_\_\_\_\_  
By: STEPHEN C. BANNON

\_\_\_\_\_  
By: DANIEL BAILLY

\_\_\_\_\_  
By: EDWARD ABRAHAMS

Commonwealth of Massachusetts

County of \_\_\_\_\_ } ss.

On this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me,

Day

Month

Year

\_\_\_\_\_ the undersigned Notary Public,

Name of Notary Public

personally appeared, DEBORAH PHILLIPS, SEAN STANTON, STEPHEN C. BANNON, DANIEL BAILLY and EDWARD ABRAHAMS proved to me through satisfactory evidence of identity, which were

\_\_\_\_\_

Description of Evidence of Identity

to be the persons whose names are signed on the preceding Grant of Easement, and acknowledged to me that they signed it voluntarily for its stated purpose, as duly authorized members of the Board of Selectmen acting on behalf of the Town of Great Barrington.

\_\_\_\_\_

Signature of Notary Public

\_\_\_\_\_

Printed Name of Notary

My Commission Expires \_\_\_\_\_

Place Notary Seal and/or Any Stamp Above

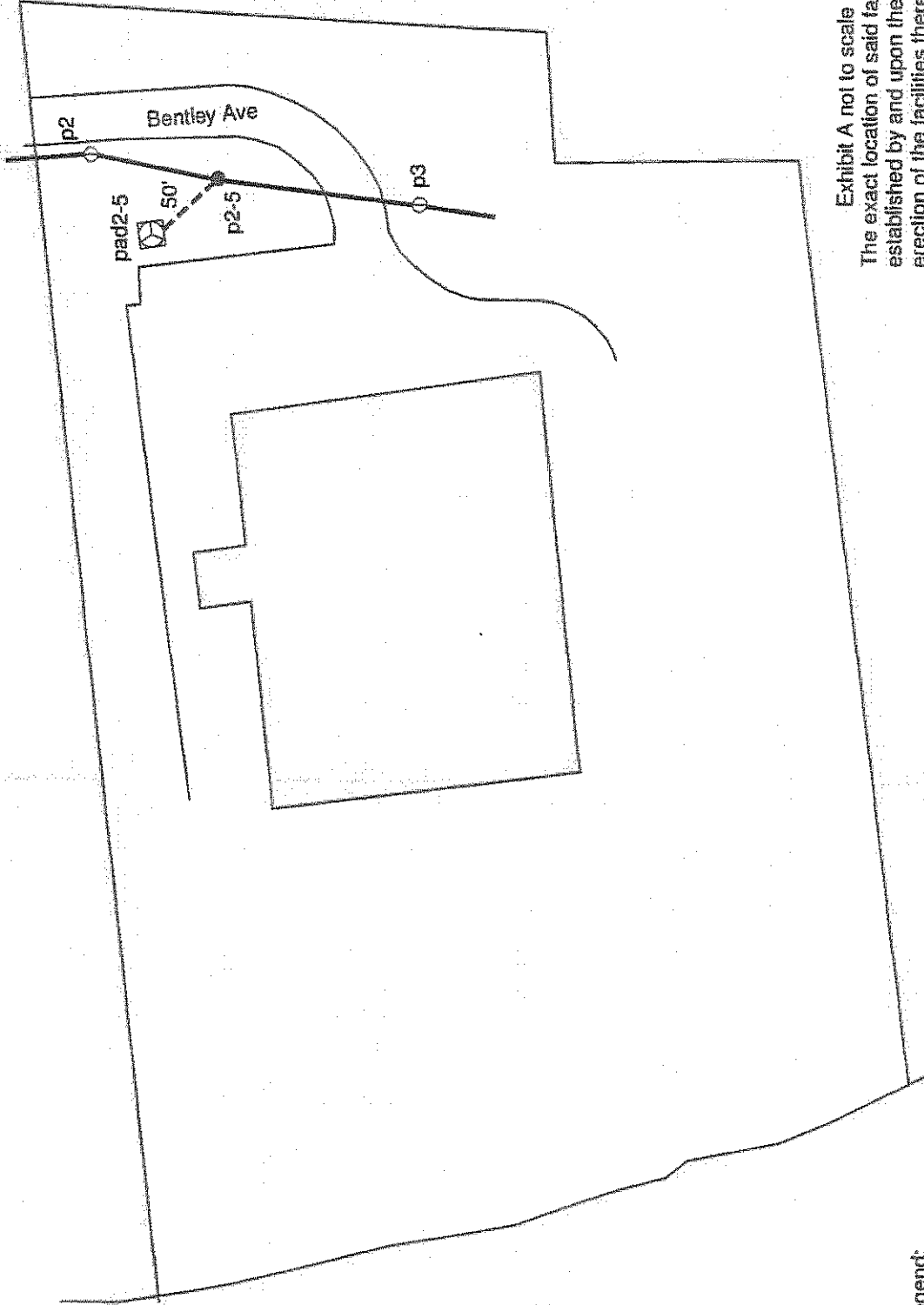


Exhibit A not to scale  
 The exact location of said facilities to be established by and upon the installation and erection of the facilities thereof.

**nationalgrid**

Easement & Conduit Sketch  
 100 Bentley Ave.  
 Great Barrington, Ma

Scale: NONE  
 Date: 5/27/2014  
 Drawn By: J.Husley  
 Approved By: J.Husley  
 14297424

Legend:

- 82" x 83" transformer pad with bollards & oil containment
- proposed electric pole
- existing pole
- 2-4" db encased conduit
- overhead wire



TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

DEPARTMENT OF PUBLIC WORKS

EXECUTIVE SUMMARY

**TITLE:** Pole Petition – Bentley Avenue– Plan number 14297424 – June 2, 2014, 2014

**BACKGROUND:** National Grid has filed a petition for the installation of a new Electric SO pole #2-5 60 feet southwest of pole 2. The new pole location is approximately 840 feet south of the centerline of the intersection of Bridge Street.

The petitioner agrees that all the poles and associated equipment being installed or updated meet or exceed the latest version of the National Electrical Safety Code (NESC) as of the date of this petition.

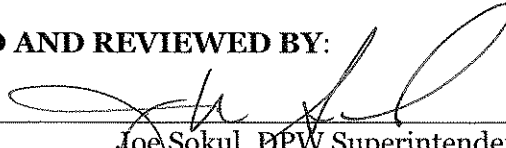
Clearance distances conform to the National Electrical Safety Code (NESC) and space is reserved for one cross arm or cable connection at a suitable point on each of said poles for use by the municipality.

The Department of Public Works has reviewed this location in the field and has no issues with the proposed pole location.

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

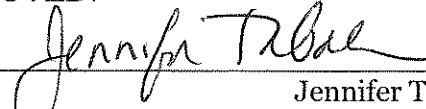
**RECOMMENDATION:** The Selectboard approves the petition as submitted.

**PREPARED AND REVIEWED BY:**

  
\_\_\_\_\_  
Joe Sokul, DPW Superintendent

**DATE:** 7/9/2014

**APPROVED:**

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

**DATE:** 7/9/14

RECEIVED  
TOWN MANAGER

JUN 04 2014

BOARD OF SELECTMEN  
GREAT BARRINGTON, MA

Questions contact – Tony Corsi- 413-528 7018  
**PETITION FOR POLE AND WIRE LOCATIONS**

North Andover, Massachusetts

To the Board of Selectmen  
Of Great Barrington Massachusetts

NATIONAL GRID requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

National Grid to install a new Electric SO pole #2-5, 60 feet southwest of pole 2, location begins approximately 840 feet south of the centerline of the intersection of Bridge St.

Location approximately as shown on plan attached

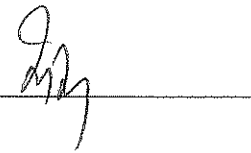
Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Bentley Ave-Great Barrington Massachusetts

14297424 June 2, 2014

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NATIONAL GRID  
BY Jim Kehn  
Engineering Department



## NOTICE TO ABUTTERS

In accordance with the provisions of Section 22, Chapter 166, of the General Laws, you are hereby notified that a public meeting will be held at Town Hall, 334 Main Street, Great Barrington, Massachusetts, at 7:00 P.M., on the 14<sup>th</sup> day of July, 2014 on the petition of National Grid to erect poles and wires upon, along, under, or across one or more public ways in the Town of Great Barrington abutting property owned by you.

### SELECTBOARD

of the Town of Great Barrington

By: Jennifer Tabakow  
Town Manager

### Location of Proposed Pole:

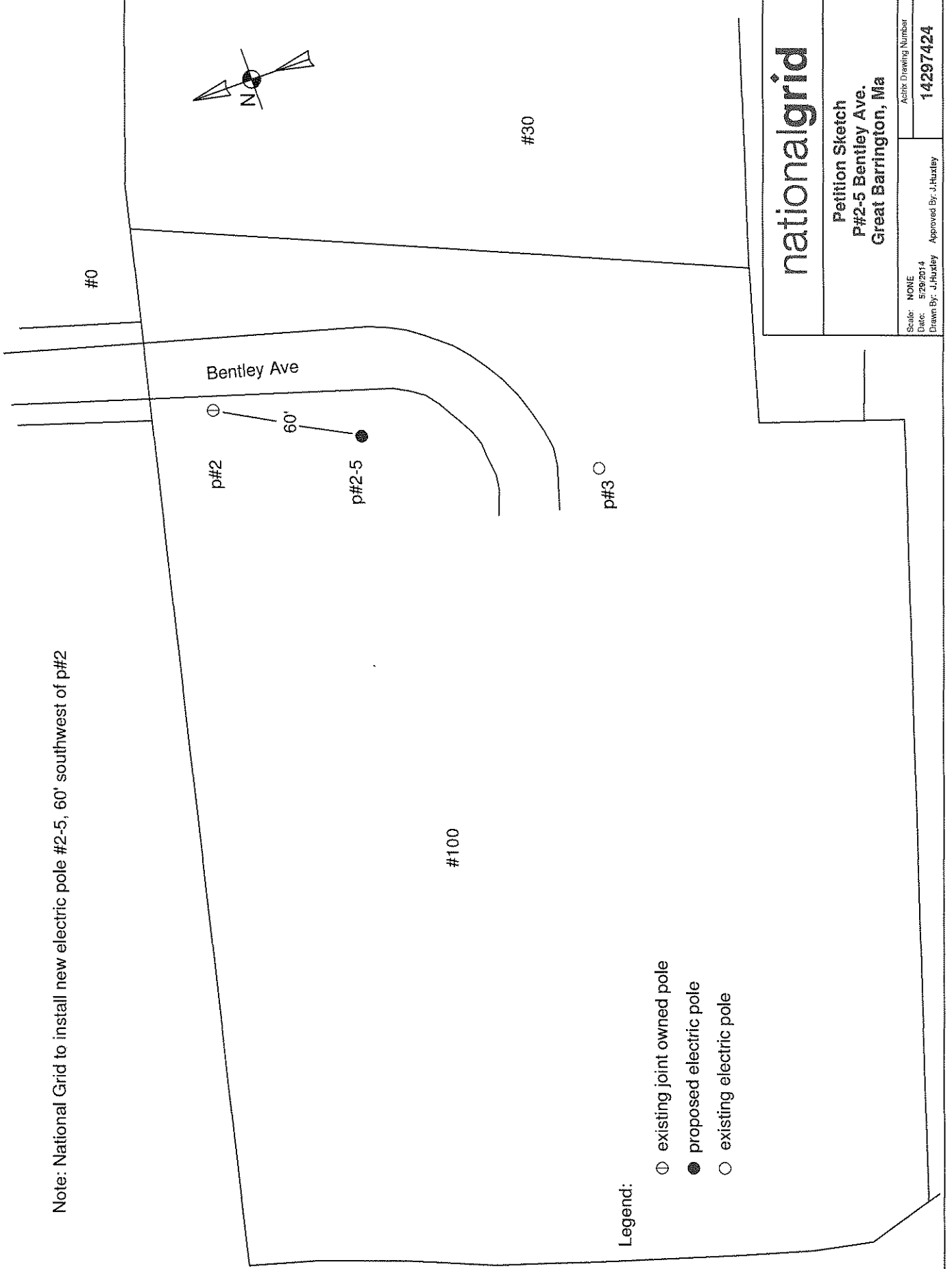
National Grid to install a new Electric SO pole #2-5, 60 feet southwest of pole 2, location begins approximately 840 feet south of the centerline of the intersection of Bridge St.

(Location approximately as shown on plan attached)

DATED: June 2, 2014

\*\*For questions contact Tony Corsi at 413-528-7018

Note: National Grid to install new electric pole #2-5, 60' southwest of p#2



Legend:

- existing joint owned pole
- proposed electric pole
- existing electric pole

<b>nationalgrid</b>	
Petition Sketch P#2-5 Bentley Ave. Great Barrington, Ma	
Scale: NONE	Asst. Drawing Number
Date: 5/29/2014	14297424
Drawn By: J.Hutley	Approved By: J.Hutley

mailed  
6/19/14

# ABUTTERS LIST

WINTER BOTTOM ROBERT C JH

+ MIRIAM C

11 BENTLEY AVE

GREAT BARRINGTON, MA 01230

COMMUNITY DEVELOPEMENT CORP

of Southern Berkshire INC.

P O BOX 733

GT. BARR. 01230

LASKY PAUL + PAMELA J

P O BOX 837

GT. BARR. 01230

CONSOLINI MELISSA TRUSTEE

ROBERT + CAROL HAMMER IRREVOCABLE TRUST

P O BOX 278

MONTEREY MA 01245

#14297424

JUY VALRI DEAN

6 CHASBY ST

GT. BARRINGTON MA 01230

Maurzen Miloro, National Grid



## EXECUTIVE SUMMARY

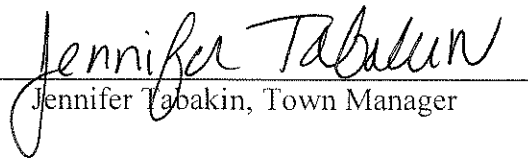
**TITLE:** FY'15 Reappointment of Energy Committee member.

**BACKGROUND:** Beth Moser's term on the Energy Committee expired on June 30, 2014. Her reappointment to the Energy Committee was inadvertently missed when the Selectboard voted on the FY'15 reappointments. Ms. Moser is interested in being reappointed to the Energy Committee for another 3 years for a term to expire on June 30, 2017.

**FISCAL IMPACT:** Not applicable; members serve without compensation.

**RECOMMENDATION:** The Selectboard reappoints Beth Moser to the Energy Committee for a term to expire June 30, 2017.

**PREPARED AND REVIEWED BY:**

  
Jennifer Tabakin, Town Manager

**DATE:** 7/10/14

**Jennifer Bailly**

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Energy  
Committee  
Reappointment

**From:** Beth Moser <bethmoser@gmail.com>  
**Sent:** Monday, June 30, 2014 8:44 AM  
**To:** Jennifer Bailly  
**Subject:** Re: Reappointment to Energy Committee

Hi Jenn,

Yes, please put my name in for reappointment.

Thanks,

Beth



TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT

Christopher Rembold, AICP  
Town Planner

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

**EXECUTIVE SUMMARY**

**TITLE:** Designation of the Community Preservation Committee as Special Municipal Employees

**BACKGROUND:** The Massachusetts Conflict of Interest Law, as amended by c. 194, Acts of 2011, prohibits municipal employees from receiving payment for work on a matter in which the town has an interest. See MGL Ch. 268A, s. 17. "Municipal employee" is broadly defined and includes any person, paid or unpaid, who hold an office, position, employment, or membership on a municipal agency.

As stated beginning on page 3 of the attached "Summary of the Conflict of Interest Law for Municipal Employees," the town is entitled to the undivided loyalty of its employees. Thus a municipal employee cannot be paid by another person or organization to represent them in relation to a matter in which the town has an interest. This applies whether or not the matter is pending before the particular board or department in which the municipal employee serves. As an example, an attorney who is the member of one board could not represent an applicant in front of any other board or commission of the town.

The only exception to this rule is if the Selectboard vote to designate the position (not the specific employee) as "special municipal employees." (Note, however, that no municipal employee, not even a special municipal employee, is permitted to represent a matter in front of the board or commission on which that municipal employee is a member.) The exemption is available because the state recognizes that many volunteers who serve on town commissions must also make a living in their chosen field.

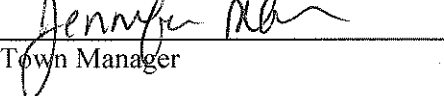
For your information the following are already designated special municipal employees: Sanitation Superintendent, Cemetery Superintendent, Fire Department, Town Moderator, Civil Defense Director, Planning Board, Legal Counsel for BHRSD, Plumbing Inspector, Gas Inspector, Deputy Plumbing Inspector, Deputy Gas Inspector.

The Selectboard already qualifies as special municipal employees under the law without needing to be expressly designated so.

**RECOMMENDATION:** The Selectboard designate the Community Preservation Committee as "special municipal employees" pursuant to MGL Ch. 268A.

**PREPARED BY:**   
Town Planner

**DATE:** 7/9/2014

**APPROVED BY:**   
Town Manager

**DATE:** 7/9/2014



The Official Website of the State Ethics Commission

## State Ethics Commission

Home — Education & Training Resources — Mandatory Conflict Law Education Requirements — Municipal Employee Summary

### Summary of the Conflict of Interest Law for Municipal Employees

This summary of the conflict of interest law, General Laws chapter 268A, is intended to help municipal employees understand how that law applies to them. This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. Municipal employees can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division at our website, phone number, and address above. Municipal counsel may also provide advice.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what municipal employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of G.L. c. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to \$10,000 (\$25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage he gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

#### I. Are you a municipal employee for conflict of interest law purposes?

You do not have to be a full-time, paid municipal employee to be considered a municipal employee for conflict of interest purposes. Anyone performing services for a city or town or holding a municipal position, whether paid or unpaid, including full- and part-time municipal employees, elected officials, volunteers, and consultants, is a municipal employee under the conflict of interest law. An employee of a private firm can also be a municipal employee, if the private firm has a contract with the city or town and the employee is a "key employee" under the contract, meaning the town has specifically contracted for her services. The law also covers private parties who engage in impermissible dealings with municipal employees, such as offering bribes or illegal gifts.

#### II. On-the-job restrictions.

##### (a) Bribes. Asking for and taking bribes is prohibited. (See Section 2)

A bribe is anything of value corruptly received by a municipal employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal.

Bribes are more serious than illegal gifts because they involve corrupt intent. In other words, the municipal employee intends to sell his office by agreeing to do or not do some official act, and the giver intends to influence him to do so. Bribes of any value are illegal.

##### (b) Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b)(2), and 26)

Municipal employees may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the municipal position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

*Example of violation* : A town administrator accepts reduced rental payments from developers.

*Example of violation* : A developer offers a ski trip to a school district employee who oversees the developer's work for the school district.

**Regulatory exemptions** . There are situations in which a municipal employee's receipt of a gift does not present a genuine risk of a conflict of interest, and may in fact advance the public interest. The Commission has created exemptions permitting giving and receiving gifts in these situations. One commonly used exemption permits municipal employees to accept payment of travel-related expenses when doing so advances a public purpose. Another commonly used exemption permits municipal employees to accept payment of costs involved in attendance at educational and training programs. Other exemptions are listed on the Commission's website.

*Example where there is no violation* : A fire truck manufacturer offers to pay the travel expenses of a fire chief to a trade show where the chief can examine various kinds of fire-fighting equipment that the town may purchase. The chief fills out a disclosure form and obtains prior approval from his appointing authority.

*Example where there is no violation* : A town treasurer attends a two-day annual school featuring multiple substantive seminars on issues relevant to treasurers. The annual school is paid for in part by banks that do business with town treasurers. The treasurer is only required to make a disclosure if one of the sponsoring banks has official business before her in the six months before or after the annual school.

**(c) Misuse of position. Using your official position to get something you are not entitled to, or to get someone else something they are not entitled to, is prohibited. Causing someone else to do these things is also prohibited. (See Sections 23(b)(2) and 26)**

A municipal employee may not use her official position to get something worth \$50 or more that would not be properly available to other similarly situated individuals. Similarly, a municipal employee may not use her official position to get something worth \$50 or more for someone else that would not be properly available to other similarly situated individuals. Causing someone else to do these things is also prohibited.

*Example of violation* : A full-time town employee writes a novel on work time, using her office computer, and directing her secretary to proofread the draft.

*Example of violation* : A city councilor directs subordinates to drive the councilor's wife to and from the grocery store.

*Example of violation* : A mayor avoids a speeding ticket by asking the police officer who stops him, "Do you know who I am?" and showing his municipal I.D.

**(d) Self-dealing and nepotism. Participating as a municipal employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. (See Section 19)**

A municipal employee may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer, or a business organization of which he is a director, officer, trustee, or employee has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else.

A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

*Example of violation* : A school committee member's wife is a teacher in the town's public schools. The school committee member votes on the budget line item for teachers' salaries.

*Example of violation* : A member of a town affordable housing committee is also the director of a non-profit housing development corporation. The non-profit makes an application to the committee, and the member/director participates in the discussion.

*Example* : A planning board member lives next door to property where a developer plans to construct a new building. Because the planning board member owns abutting property, he is presumed to have a financial interest in the matter. He cannot participate unless he provides the State Ethics Commission with an opinion from a qualified independent appraiser that the new construction will not effect his financial interest.

In many cases, where not otherwise required to participate, a municipal employee may comply with the law by simply not participating in the particular matter in which she has a financial interest. She need not give a reason for not participating.

There are several exemptions to this section of the law. An appointed municipal employee may file a written disclosure about the financial interest with his appointing authority, and seek permission to participate notwithstanding the conflict. The appointing authority may grant written permission if she determines that the financial interest in question is not so substantial that it is likely to affect the integrity of his services to the municipality. Participating without disclosing the financial interest is a violation. Elected employees cannot use the disclosure procedure because they have no appointing authority.

*Example where there is no violation* : An appointed member of the town zoning advisory committee, which will review and recommend changes to the town's by-laws with regard to a commercial district, is a partner at a company that owns commercial property in the district. Prior to participating in any committee discussions, the member files a disclosure with the zoning board of appeals that appointed him to his position, and that board gives him a written determination authorizing his participation, despite his company's financial interest. There is no violation.

There is also an exemption for both appointed and elected employees where the employee's task is to address a matter of general policy and the employee's financial interest is shared with a substantial portion (generally 10% or more) of the town's population, such as, for instance, a financial interest in real estate tax rates or municipal utility rates.

**Regulatory exemptions.** In addition to the statutory exemptions just mentioned, the Commission has created several regulatory exemptions permitting municipal employees to participate in particular matters notwithstanding the presence of a financial interest in certain very specific situations when permitting them to do so advances a public purpose. There is an exemption permitting school committee members to participate in setting school fees that will affect their own children if they make a prior written disclosure. There is an exemption permitting town clerks to perform election-related functions even when they, or their immediate family members, are on the ballot, because clerks' election-related functions are extensively regulated by other laws. There is also an exemption permitting a person serving as a member of a municipal board pursuant to a legal requirement that the board have members with a specified affiliation to participate fully in determinations of general policy by the board, even if the entity with which he is affiliated has a financial interest in the matter. Other exemptions are listed in the Commission's regulations, available on the Commission's website.

**Example where there is no violation:** A municipal Shellfish Advisory Board has been created to provide advice to the Board of Selectmen on policy issues related to shellfishing. The Advisory Board is required to have members who are currently commercial fishermen. A board member who is a commercial fisherman may participate in determinations of general policy in which he has a financial interest common to all commercial fishermen, but may not participate in determinations in which he alone has a financial interest, such as the extension of his own individual permits or leases.

**(e) False claims. Presenting a false claim to your employer for a payment or benefit is prohibited, and causing someone else to do so is also prohibited. (See Sections 23(b)(4) and 26)**

A municipal employee may not present a false or fraudulent claim to his employer for any payment or benefit worth \$50 or more, or cause another person to do so.

**Example of violation :** A public works director directs his secretary to fill out time sheets to show him as present at work on days when he was skiing.

**(f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3))**

A municipal employee may not act in a manner that would cause a reasonable person to think that she would show favor toward someone or that she can be improperly influenced. Section 23(b)(3) requires a municipal employee to consider whether her relationships and affiliations could prevent her from acting fairly and objectively when she performs her duties for a city or town. If she cannot be fair and objective because of a relationship or affiliation, she should not perform her duties. However, a municipal employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official.

**Example where there is no violation :** A developer who is the cousin of the chair of the conservation commission has filed an application with the commission. A reasonable person could conclude that the chair might favor her cousin. The chair files a written disclosure with her appointing authority explaining her relationship with her cousin prior to the meeting at which the application will be considered. There is no violation of Sec. 23(b)(3).

**(g) Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c))**

Municipal employees may not improperly disclose confidential information, or make personal use of non-public information they acquired in the course of their official duties to further their personal interests.

### III. After-hours restrictions.

**(a) Taking a second paid job that conflicts with the duties of your municipal job is prohibited. (See Section 23(b)(1))**

A municipal employee may not accept other paid employment if the responsibilities of the second job are incompatible with his or her municipal job.

**Example :** A police officer may not work as a paid private security guard in the town where he serves because the demands of his private employment would conflict with his duties as a police officer.

**(b) Divided loyalties. Receiving pay from anyone other than the city or town to work on a matter involving the city or town is prohibited. Acting as agent or attorney for anyone other than the city or town in a matter involving the city or town is also prohibited whether or not you are paid. (See Sec. 17)**

Because cities and towns are entitled to the undivided loyalty of their employees, a municipal employee may not be paid by other people and organizations in relation to a matter if the city or town has an interest in the matter. In addition, a municipal employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations in which the town has an interest. Acting as agent includes contacting the municipality in person, by phone, or in writing; acting as a liaison; providing documents to the city or town; and serving as spokesman.

A municipal employee may always represent his own personal interests, even before his own municipal agency or board, on the same terms and conditions that other similarly situated members of the public would be allowed to do so. A municipal employee may also apply for building and related permits on behalf of someone else and be paid for doing so, unless he works for the permitting agency, or an agency which regulates the permitting agency.

*Example of violation* : A full-time health agent submits a septic system plan that she has prepared for a private client to the town's board of health.

*Example of violation* : A planning board member represents a private client before the board of selectmen on a request that town meeting consider rezoning the client's property.

While many municipal employees earn their livelihood in municipal jobs, some municipal employees volunteer their time to provide services to the town or receive small stipends. Others, such as a private attorney who provides legal services to a town as needed, may serve in a position in which they may have other personal or private employment during normal working hours. In recognition of the need not to unduly restrict the ability of town volunteers and part-time employees to earn a living, the law is less restrictive for "special" municipal employees than for other municipal employees.

The status of "special" municipal employee has to be assigned to a municipal position by vote of the board of selectmen, city council, or similar body. A position is eligible to be designated as "special" if it is unpaid, or if it is part-time and the employee is allowed to have another job during normal working hours, or if the employee was not paid for working more than 800 hours during the preceding 365 days. It is the position that is designated as "special" and not the person or persons holding the position. Selectmen in towns of 10,000 or fewer are automatically "special"; selectman in larger towns cannot be "specials."

If a municipal position has been designated as "special," an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before municipal boards other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility.

*Example* : A school committee member who has been designated as a special municipal employee appears before the board of health on behalf of a client of his private law practice, on a matter that he has not participated in or had responsibility for as a school committee member. There is no conflict. However, he may not appear before the school committee, or the school department, on behalf of a client because he has official responsibility for any matter that comes before the school committee. This is still the case even if he has recused himself from participating in the matter in his official capacity.

*Example* : A member who sits as an alternate on the conservation commission is a special municipal employee. Under town by-laws, he only has official responsibility for matters assigned to him. He may represent a resident who wants to file an application with the conservation commission as long as the matter is not assigned to him and he will not participate in it.

**(c) Inside track. Being paid by your city or town, directly or indirectly, under some second arrangement in addition to your job is prohibited, unless an exemption applies. (See Section 20)**

A municipal employee generally may not have a financial interest in a municipal contract, including a second municipal job. A municipal employee is also generally prohibited from having an indirect financial interest in a contract that the city or town has with someone else. This provision is intended to prevent municipal employees from having an "inside track" to further financial opportunities.

*Example of violation* : Legal counsel to the town housing authority becomes the acting executive director of the authority, and is paid in both positions.

*Example of violation* : A selectman buys a surplus truck from the town DPW.

*Example of violation* : A full-time secretary for the board of health wants to have a second paid job working part-time for the town library. She will violate Section 20 unless she can meet the requirements of an exemption.

*Example of violation* : A city councilor wants to work for a non-profit that receives funding under a contract with her city. Unless she can satisfy the requirements of an exemption under Section 20, she cannot take the job.

There are numerous exemptions. A municipal employee may hold multiple unpaid or elected positions. Some exemptions apply only to special municipal employees. Specific exemptions may cover serving as an unpaid volunteer in a second town position, housing-related benefits, public safety positions, certain elected positions, small towns, and other specific situations. Please call the Ethics Commission's Legal Division for advice about a specific situation.

**IV. After you leave municipal employment. (See Section 18)**

**(a) Forever ban. After you leave your municipal job, you may never work for anyone other than the municipality on a matter that you worked on as a municipal employee.**

If you participated in a matter as a municipal employee, you cannot ever be paid to work on that same matter for anyone other than the municipality, nor may you act for someone else, whether paid or not. The purpose of this restriction is to bar former employees from selling to private interests their familiarity with the facts of particular matters that are of continuing concern to their former municipal employer. The restriction does not prohibit former municipal employees from using the expertise acquired in government service in their subsequent private activities.

*Example of violation* : A former school department employee works for a contractor under a contract that she helped to draft and oversee for the school department.

**(b) One year cooling-off period. For one year after you leave your municipal job you may not participate in any matter over which you had official responsibility during your last two years of public service.**

Former municipal employees are barred for one year after they leave municipal employment from personally appearing before any agency of the municipality in connection with matters that were under their authority in their prior municipal positions during the two years before they left.

*Example* : An assistant town manager negotiates a three-year contract with a company. The town manager who supervised the assistant, and had official responsibility for the contract but did not participate in negotiating it, leaves her job to work for the company to which the contract was awarded. The former manager may not call or write the town in connection with the company's work on the contract for one year after leaving the town.

A former municipal employee who participated as such in general legislation on expanded gaming and related matters may not become an officer or employee of, or acquire a financial interest in, an applicant for a gaming license, or a gaming licensee, for one year after his public employment ceases.

**(c) Partners. Your partners will be subject to restrictions while you serve as a municipal employee and after your municipal service ends.**

Partners of municipal employees and former municipal employees are also subject to restrictions under the conflict of interest law. If a municipal employee participated in a matter, or if he has official responsibility for a matter, then his partner may not act on behalf of anyone other than the municipality or provide services as an attorney to anyone but the city or town in relation to the matter.

*Example* : While serving on a city's historic district commission, an architect reviewed an application to get landmark status for a building. His partners at his architecture firm may not prepare and sign plans for the owner of the building or otherwise act on the owner's behalf in relation to the application for landmark status. In addition, because the architect has official responsibility as a commissioner for every matter that comes before the commission, his partners may not communicate with the commission or otherwise act on behalf of any client on any matter that comes before the commission during the time that the architect serves on the commission.

*Example* : A former town counsel joins a law firm as a partner. Because she litigated a lawsuit for the town, her new partners cannot represent any private clients in the lawsuit for one year after her job with the town ended.

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This summary is not intended to be legal advice and, because it is a summary, it does not mention every provision of the conflict law that may apply in a particular situation. Our website, <http://www.mass.gov/ethics> contains further information about how the law applies in many situations. You can also contact the Commission's Legal Division via our website, by telephone, or by letter. Our contact information is at the top of this document.

Version 6: Revised May 10, 2013

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ACKNOWLEDGMENT OF RECEIPT

I, \_\_\_\_\_, an employee at \_\_\_\_\_, hereby acknowledge that I received a  
(first and last name) (name of municipal dept.)  
copy of the summary of the conflict of interest law for municipal employees, revised May 10, 2013, on \_\_\_\_\_.  
(date)

*Municipal employees should complete the acknowledgment of receipt and return it to the individual who provided them with a copy of the summary. Alternatively, municipal employees may send an e-mail acknowledging receipt of the summary to the individual who provided them with a copy of it.*





TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT

Christopher Rembold, AICP  
Town Planner

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

**EXECUTIVE SUMMARY**

**TITLE:** Selectboard recommendation to the Zoning Board of Appeals regarding Special Permit Application 830-14 Housatonic Solar 1, proposed commercial solar array at 49 Van Deusenville Road

**BACKGROUND:** The Applicant is seeking a Special Permit from the ZBA under Zoning Section 5.2 in order to change from one nonconforming use (gravel pit and landfill) to a new nonconforming use (commercial solar energy facility in a residential zone). The property currently has several residences and outbuildings, as well as a defunct gravel pit and solid waste landfill. The site is about 23 acres in total size, and it is surrounded by single family residential uses, commercial-industrial uses (welding shop, propane facility) and woodlands. It is in a residential (R2) zone.

Applicant will lease the site in order to install a 2 megawatt (MW) solar array. The solar array as proposed will occupy about 9.5 acres (includes the proposed boundary fencing, inverters, and the solar panels themselves), which is the portion of the site that was formerly a gravel pit, which was then subsequently, and illegally, used for dumping solid waste and construction debris.

A consent order from Mass DEP is included in the Application and gives background of the landfill, as well as requirements to cease. The Applicant will clean up the remaining solid waste and debris prior to constructing the solar farm. A Phase I environmental report has been submitted by the Applicant and this will inform the cleanup action plan, including how the remaining debris will be removed and disposed of.

The proposal received Site Plan Approval per §10.5 from the Planning Board, with the condition that a final grading plan be submitted once cleanup is done. The Conservation Commission determined it did not have Wetlands or Scenic Mountains jurisdiction. The Board of Health will review it on June 5.

**FISCAL IMPACT:** to be determined

**RECOMMENDATION:** The Selectboard consider the impacts, if any, of the proposed use and make a recommendation on the Special Permit to the ZBA.

**PREPARED BY:**

  
Town Planner

**DATE:**

6/2/14

**APPROVED BY:**

  
Town Manager

**DATE:**

6/4/14

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

**NOTICE OF PUBLIC HEARINGS**

*Con. + to ZBA  
August 5th  
Meeting*

The Great Barrington Zoning Board of Appeals will hold a public hearing on Tuesday, June 10, 2014, at 7:30 p.m. or following an earlier hearing at Town Hall, 334 Main St., Great Barrington, to act on the special permit application of Housatonic Solar 1 LLC to install a solar panel array in a former gravel bed at 49 VanDeusenville Road, in an R2 1-acre residential 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 5:15 p.m. that same date.

Ron Majdalany, Chairman

Please publish May 9 and May 16, 2014

HOUSATONIC SOLAR 1, LLC

ZBA SP#  
830-14

April 28, 2014

Via Hand Delivery

Attn: Zoning Board of Appeals, Mr. Chris Rembold  
334 Main Street  
Great Barrington, MA 01230

Re: Special Permit (49 Van Deusenville Solar)

To Mr. Rembold,

Pursuant to Section 5.2.2 of the Great Barrington Zoning Bylaw, please find an application for a Special Permit, along with a plot plan, abutters list, fee check and project description (with Exhibits) for a ground-mounted solar photovoltaic facility at 49 Van Deusenville Road, Housatonic, Great Barrington, MA 01230 (the "Site"). The proposed facility will be located at an expired gravel pit that is also a private landfill with an outstanding Department of Environmental Protection consent order.

Please note that the Section 10.4 Criteria are all directly addressed in the Project Description and Overview.

Please let me know if you have any questions with the attached. We look forward to meeting with the Planning Board shortly.

Sincerely,



Kirt Mayland



Town of Great Barrington Massachusetts

ZBA-1 Rev. July 2013

APR 29 AM 7:51

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: 4/29/14
Received and checked for completeness by: CR
Number Assigned: 830-19
Date filed with the Town Clerk: 4/29
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: Van Deusenville Vandusenville Road
Assessor's Map No. 27 Lot No. 10
Registry of Deeds Book No: 2240 Page: 270
Zoning District(s): R2 One-acre Res.
Overlay Districts (if any):

C. APPLICANT AND OWNER INFORMATION

Applicant's Information: Name (please print) Housatonic Solar 1, LLC Phone (area code first) 646-302-3639
Street Address 105 Tamara Circle
City, State, Zip Code Avon, CT 06001
If Applicant is a corporation, provide name of contact person: Kirt Mayland
Email Address kmayland@yahoo.com Signature [Signature]

- Check here if Applicant and Property Owner are the same, and skip to the next section.
Check here if Applicant is different than the Property Owner, and to verify that you have the Property Owner's permission to file this Application. 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) Baccetti Jeanne M Phone (area code first) 413-429-1555
Street Address Moore Sharon C 49 Vandusenville Rd.
City, State, Zip Code Great Barrington, MA 01230-1153
Email Address jeanne@regainewine.com Signature [Signature]

Handwritten signature: Jeanne Baccetti

**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):

Change the non-conforming use of a gravel pit and closed landfill (under a consent order) to a less detrimental use of a ground-mounted solar pv facility.

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

<input checked="" type="checkbox"/> Section 5.2	<input type="checkbox"/> Section 5.3	<input type="checkbox"/> Section 5.5
<input type="checkbox"/> Section 5.6	<input type="checkbox"/> Section 5.7	<input checked="" type="checkbox"/> Section 10.4

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

There is currently a closed landfill (with an open DEP consent order) on the property along with a closed gravel pit with scattered highway waste throughout.

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

<input type="checkbox"/> Building Inspector	<input type="checkbox"/> Planning Board	<input type="checkbox"/> Board of Selectmen
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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:* Jam M

## 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."

Jam M

(signed)

4/28/14 (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)

## HOUSATONIC SOLAR 1, LLC

### Project Overview and Description

The proposed Project (the "Project") is to be located at approximately 49 Van Deusenville Road, Housatonic, Great Barrington, 01230. The proposed location is on acreage currently owned by Jeanette Bachetti (the "Owner"). Housatonic Solar 1 currently has an option to lease a portion of the land from the Owner as indicated on the attached site plan. The proposed Project would occupy approximately 9.5 acres of land (the "Site") and consist of around 2000 kilowatts (DC) of solar modules. The recent history of the land is primarily that of a materials/gravel pit and an old landfill for primarily highway materials (cement, pavement and wood poles). It is not believed that there will be any negative impact to wetlands or water courses from the proposed Project.

The Site is not only a closed gravel pit but also a private, closed landfill subject to an administrative consent order (Exhibit A.). As indicated above, there are numerous piles of cement, tires, pavement, bricks, coal, etc. scattered throughout the property. Exhibit B to this Overview and Description shows a map of the waste on the Site. Exhibit C is a series of sample photos from the waste on the Site. Prior to installation of the Project, Housatonic Solar 1 is proposing, as part of its landfill post-closure use application to the Department of Environmental Protection, to clean up and remove all of the scattered waste throughout the approximately 10 acres.

Abutting the Site to the North is industrially zoned land, home to the Amerigas distribution facility, and to the East of the Site is a metal welding shop.

The Project itself will consist of a collection of approximately 6500 solar photovoltaic (PV) modules (each approximately 3 feet by 6 feet in dimension) that are grouped into arrays tilted and facing south. These stationary arrays are strung together forming a series of rows oriented east to west. Electricity collection and distribution lines link the solar modules to a collection house with inverter and transformer equipment which in turn will transmit the electricity to the existing distribution lines along Van Deusenville Road. The principal components of the Project are solar modules. The make and model of the solar modules currently proposed by Housatonic Solar will be most likely the Canadian Solar CS6X-305P, however this is to be determined. Descriptions of these modules are attached. The solar modules will be mounted on a racking system manufactured domestically, most likely screwed into the ground. It is anticipated that the modules will be approximately 10 feet at the highest. The racking system will not move (i.e. it is fixed and not tracking). The AC power produced by the Canadian Solar modules will be inverted by the Solectria SGI 500 or the Solectria 500 XT, manufactured in Lawrence, MA. The drawings and specification sheets for both inverters are attached. The power will then be "transformed" by the transformer, most likely the Cooper Transformer to the appropriate voltage for the existing distribution lines. Please see the attached specification sheet for the Cooper Transformer.

The Project was sited specifically on a parcel, and a location within the parcel, that should not be readily visible to nearby residents or have any noise impacts on any abutters. It is in a depressed gravel pit which should make the Project nearly invisible to the few surrounding homes. It is anticipated that the Project will provide only positive benefits to the town, the state and the global environment. It is estimated to generate enough clean, instantaneously renewable, and emission-free energy to cover the

## HOUSATONIC SOLAR 1, LLC

Town of Great Barrington's full electric load. The modules from which this clean electricity is produced produce no emissions, make no noise, do not move, and use no water. Further it is estimated that the proposed Project will displace approximately 2,304,000 pounds of CO<sub>2</sub> annually. In the state, national and global strive to reduce carbon emissions to hinder the primary environmental threat of our times (global warming), Great Barrington will be at the forefront of this battle.

The Project will also provide net revenue in the form of significant property taxes to the Town of Great Barrington. The Project will use no sewer, water, and not burden the roads or schools. Local contractors and maintenance personnel will also be used to the extent feasible. In short, economically, the Project will have a significant, net positive fiscal impact on the Town. It is also proposed currently that the Project deliver net metering credits (lowering the electric bills) to the Town of Great Barrington, and/or the Berkshire Hills Regional School District, and/or the Southern Berkshire Regional School District.

### Potential Operational Impacts of the Project (Development Impact Statement)

Operation of the Project is passive and the operational impacts of the farm on the environment, nearby residences, roads, etc. is expected to be de minimis. Below please find a summary of traffic impacts, proposed fencing, lighting, signage, utilities, noise, transformer oils, and soil impacts.

Once under construction, besides periodic maintenance, equipment replacement and monitoring of Project output via Solrenview, the modules and other primary components do not require direct handling. Except during the approximately 2-3 month construction period (weather dependent) there should be minimal impact to the traffic flow or safety of Van Deusenville Road (the entrance location to the Project). As indicated above, given the simplicity of the operations of the Project, there is little maintenance required. It is anticipated that beyond monthly lawn care, if necessary, and bi-annual cleaning of the modules, little or no maintenance should be required. Any maintenance or construction vehicles will be parked onsite and no permanent parking areas are contemplated currently. The proposed access point is currently an existing gravel road. Attached is a proposed Operations and Maintenance Plan.

The entire operation (solar modules, collection houses and access lanes) will be fenced in order to provide for safety and security, in accordance with applicable requirements. The fence currently proposed is a 6-foot chain link fence. Inside the fence around the entire perimeter will be an approximately 15-foot wide perimeter access road. Access to the Project will be limited to Housatonic Solar 1 personnel or contractors, maintenance personnel, and Town emergency personnel. Coded or keyed lock boxes will be placed at each entry point/gate to the site. Local emergency personnel (police and fire) will have the codes as will Housatonic Solar 1's local contractors or points of contact. A 24-hour emergency number to reach Housatonic Solar 1 will be placed on signage at the gates, if required by the Town.

Subject to the Fire Department's approval, the only on-site lighting Housatonic Solar 1 proposes to have onsite at the collection house and the gate entrances. These would be for use by the Fire



## HOUSATONIC SOLAR 1, LLC

Department and for when any nighttime access is needed. The light switches would be in locked boxes, accessible only by emergency personnel and Housatonic Solar 1 employees or contractors. The lights themselves would be as low-to-the-ground as necessary and angled towards the ground.

Housatonic Solar 1 will also coordinate its "safety" signage in accordance with the approval of the Great Barrington Fire Department. Housatonic Solar 1 recommends that the signs along the fence should be at least 14 inches long by 10 inches high with the words, for instance, "Danger High Voltage - Keep Out" in three horizontal lines of white letters against a background field of red and black. The signs should be no more than 40 feet apart. With respect to mandatory signs, National Grid states that the following signs be placed at the site: [a] permanent plaque or directory shall be installed at the utility revenue meter and at the Point of Common Coupling (PCC) with a warning about the generator(s) installed. If the PCC is at a pad mounted transformer, the plaque must be on the right door of the transformer. If the external utility disconnect switch is not adjacent to the utility revenue meter, a permanent plaque shall be provided at the utility revenue meter and the PCC locating the switch. If the external utility disconnect switch is not adjacent to PCC, a permanent plaque shall be provided at the PCC locating the switch. All plaques as described in NEC 705.10 , 705.12 (7), 690.56, 692.4 and 705.70 shall be installed when applicable.

Beyond minor electrical demand for operation of the inverters and transformers, it is not anticipated that any utilities or public services will be needed. The primary utility connection for the solar power will be the facilities' interconnection with the distribution lines along Van Deusenville Road. The inverters will also be connected to telephone lines so their production can be monitored by National Grid and Housatonic Solar 1 remotely. The Project contains no works for the collection, transmission, treatment and disposal of sewage. There will be no discharge of contaminants into the air or into the ground or water. There will be no systems, facilities and equipment for receiving, handling, storing and processing any waste or waste-water. No sewage, waste or air contaminants will be generated at all as a result of the solar power generation process. There are no water withdrawals associated with the operation of the Project as planned. During the operations phase of the project, Housatonic Solar 1 anticipates that it will clean the modules twice per year with water or, if necessary, an organic cleansing agent, with water transported on small trucks.

Further, there are no anticipated negative noise impacts from the Project. Both the inverter and the transformer emit less noise than the NEMA TR1 Standard (74 dBA) and given their distance from the nearest residence and the fact that they only operate during day-time hours, it is not anticipated that there be any negative noise impacts from the Project. The solar modules do not move – they are fixed in place on the racking system – and make no noise.

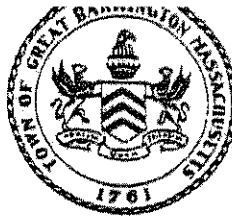
The Cooper Power transformers, currently proposed, do contain some oil inside. There will be approximately 302 gallons of oil in the transformer. The oil is biodegradable. Cooper Power invented the biodegradable FR-3 Fluid that is mandatory for all of its solar transformers. Please see the attached Biodegradable Oil Exhibit. Since the fluid is biodegradable it will simply be absorbed by the microbes in the soil, so containment is not necessary. 98% of the fluid if left unattended after a leak will be eaten by the microbes/ bacteria in 28 days. However there are various products sold that can be used to absorb

## HOUSATONIC SOLAR 1, LLC

leaks (such as bladder bags and high degree of stone density evenly distributed around the transformer) in case so required by the Town in the unlikely case of a spill.

There should also be limited direct impact on the land and soils from the proposed Project. The PV modules are mounted above grade, allowing for grass to be propagated below and between the array tables. Most likely, any runoff from the panels would infiltrate immediately into the grass below. There will be no paving onsite as currently planned. The access lanes to the inverter and transformer stations will be gravel or farm lanes to the extent possible. The inverter and transformer stations will also occupy less than one percent (1%) of the lot area. Please see the attached Solectria 1 MW skid sheet for general dimension of this "collection house". Together these factors will avoid concentration of runoff and significantly decrease (if not eliminate altogether) the amount of precipitation that will not be absorbed by the soils in the immediate vicinity.

In summary, the development impacts are expected to improve the site. A former gravel pit with assorted waste scattered throughout will be cleaned up, and transformed into a clean energy production facility with little or no negative impact on the existing environment, the town, and nearby homes.



# TOWN OF GREAT BARRINGTON MASSACHUSETTS

## ASSESSORS' OFFICE

March 28, 2014

ABUTTERS TO PROPERTY OF: JEANNE M. BACHETTI

53 Van Deusenville Road, Map 27 Lot 10, Book 2240 Page 270

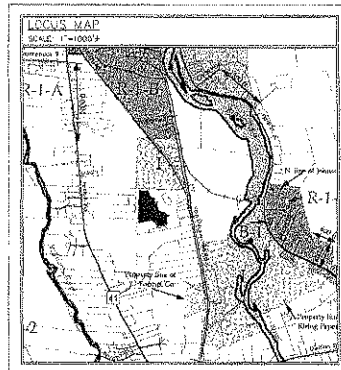
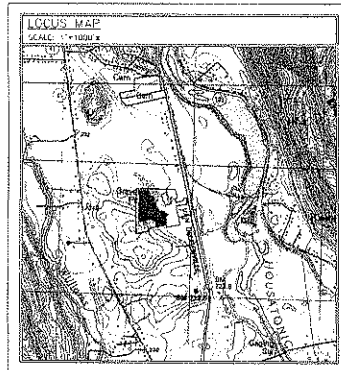
<u>MAP</u>	<u>LOT</u>	<u>ABUTTER</u>
27	10D	Edward J. & Donna M. Cook, 41 Van Deusenville Rd., Gt. Barrington, MA 01230-1153
27	10E	Peter R. Bailly & Barbara L. Bailly, PO Box 514, Housatonic, MA 01236-0514
27	10G,10H	Alexander Sarbib, 603 South Egremont Rd., Gt. Barrington, MA 01230-1931
27	10C	John & Diane Cowles, PO Box 757, Housatonic, MA 01236-0757
27	16	David Long & Georgene Poliak, PO Box 393, Gt. Barrington, MA 01230-0393
27	24	Ann L. Mercer, Trustee, 314 Nominee Trust, 80 Maple Ave. Suite 1, Gt. Barrington, MA 01230-1953
27	22,23	Frederick Bunce, 316 North Plain Rd., Housatonic, MA 01236-9741
27	13.6	Craig R. & Brenda M. Bailly, 37 Van Deusenville Rd., Gt. Barrington, MA 01230-1153
27/21, 26/30A		Theresa Amstead, Trustee, M T A Nominee Realty Trust, PO Box 295, Monterey, MA 01245-0295
27	25	Paula J. Gennari & Mark Mannheimer, 310 North Plain Rd., Housatonic, MA 01236-9741
26	29,29B	Home Gas Corporation of Housatonic, c/o Amerigas, PO Box 798, Valley Forge, PA 19482-0798
5	5	National Propane LP, c/o Amerigas, PO Box 798, Valley Forge, PA 19482-0798
26	28	Project Native Inc., 342 North Plain Rd., Housatonic, MA 01236-9741
5	5	National Propane LP, c/o Amerigas, PO Box 798, Valley Forge, PA 19482-0798
5	6,7	Massachusetts Electric Co. Inc., 40 Sylvan Rd., Waltham, MA 02451-2286
5	8	General Electric Co., c/o Thomson Reuters, Dept 201, PO Box 4900, Scottsdale, AZ 85261-4900
27/10A,10B,10F		Jeanne M. Bachetti (applicant)

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

Sincerely,

Christopher Lamarre  
Principal Assessor

*PROPOSED SOLAR PANEL ARRAY  
 PROPOSED SITE DEVELOPMENT PLAN  
 IN  
 GREAT BARRINGTON, MASSACHUSETTS  
 OFF  
 VAN DEUSENVILLE ROAD  
 APRIL 22, 2014*



**APPLICANT**  
 RESERVOIR ROAD HOLDINGS, LLC  
 KIRI MAYLANO  
 105 TAMARA CIRCLE  
 AVON, CT 06001

**ENGINEER & SURVEYOR**  
 WHITMAN & BINGHAM ASSOCIATES, LLC  
 510 MECHANIC STREET  
 LEOMINSTER, MA 01453  
 TEL (978) 537-5296  
 FAX (978) 537-1423

NO.	DATE	DESCRIPTION



PLAN INDEX	
EXISTING CONDITIONS PLAN	1
PROPOSED SITE AND GRADING PLAN	2
PROPOSED EROSION CONTROL PLAN	3
CONSTRUCTION NOTES	4
CONSTRUCTION NOTES & DETAILS	5



<b>WHITMAN &amp; BINGHAM</b> REGISTERED PROFESSIONAL ENGINEERS 100 STATE STREET, SUITE 200 BOSTON, MASSACHUSETTS 02109 TEL: 617-552-1234 FAX: 617-552-1235		<b>SECTIONS</b> SHEET NO. 1 OF 1 DATE: 04/22/2014 PROJECT: VAN DEUSENVILLE ROAD SOLAR ARRAY CLIENT: GREAT BARRINGTON, MASSACHUSETTS DESIGNER: MICHAEL ROZDOLSKI, P.E. CHECKER: JAMES COLE, P.E. DATE: 04/22/2014		PROJECT NO. DATE SHEET NUMBER JOB NUMBER TOWN COUNTY PROJECT NAME DATE	
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 <b>WHITMAN &amp; BINCHAM</b> REGISTERED PROFESSIONAL ENGINEERS 100 WEST STREET SUITE 200 GREAT BARRINGTON, MASSACHUSETTS 01930 TEL: 413-528-1100 FAX: 413-528-1101 WWW.WHITMANBINCHAM.COM			<b>PROPOSED EROSION CONTROL PLAN</b> FOR <b>VAN DEUSCHILLE ROAD SOLAR ARRAY</b> GREAT BARRINGTON, MASSACHUSETTS PREPARED FOR: <b>RESEKORP ONE HOLDINGS, LLC</b> 100 WEST STREET SUITE 200 GREAT BARRINGTON, MASSACHUSETTS 01930	SHEET NO. 1 OF 5 DATE: APRIL 23, 2014 DRAWN BY: [Name] CHECKED BY: [Name] APPROVED BY: [Name] SCALE: AS SHOWN
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TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT

Christopher Rembold, AICP  
Town Planner

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

**EXECUTIVE SUMMARY**

**TITLE:** Selectboard recommendation to the Zoning Board of Appeals  
re: Special Permit Application 833-14 of Big Y Foods to alter the existing  
nonconforming building 740 Main Street

**BACKGROUND:** The Applicant is seeking a Special Permit from the ZBA under Zoning  
Section 5.3 in order to alter a nonconforming structure. The Selectboard is a recommending  
board for ZBA special permits.

Applicant proposes to re-tenant the space formerly used by Rite Aid for use by Petco. The front  
façade will be modified to accommodate a new sign. The rear loading area, on the south side  
nearest Guido's, will also be modified. A concrete pad with a scissor action lift is proposed in  
order to receive pallets of materials from tractor trailers and lower them to grade level for  
transport into the store. This loading area would also be covered with an all-weather canopy  
structure. This area functions as a loading zone already. The proposal does not impact the  
number or location of parking and loading spaces approved in the 2007 Selectboard special  
permit. The proposal does not impact any of the conditions of the 2007 special permit.

The Big Y plaza is a nonconforming structure because it is within the side yard setback on the  
south side. All of the proposed work, however, is within the required setbacks.

**FISCAL IMPACT:** Selectboard action will have no fiscal impact

**RECOMMENDATION:** The Selectboard consider the proposal and make a recommendation  
on the Special Permit to the ZBA.

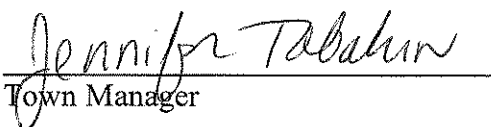
**PREPARED BY:**

  
Town Planner

**DATE:**

7/9/2014

**APPROVED BY:**

  
Town Manager

**DATE:**

7/9/2014

**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, Aug. 5, 2014, at 7:30 p.m. at Town Hall, 334 Main St., Great Barrington, to act on the special permit application of Big Y Foods Inc. to alter a loading dock at a pre-existing, non-conforming commercial structure at 740 Main Street in a B-2 business 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

**Please publish July 3 and July 11, 2014**

*emailed to Paul. Record on 6/25/14*



Town of Great Barrington  
Massachusetts

ZBA-1  
Rev. July 2013

Application to the  
Zoning Board of Appeals

**INSTRUCTIONS**

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

**FOR OFFICE USE ONLY**

Filing Date: \_\_\_\_\_  
Received and checked for completeness  
by: \_\_\_\_\_  
Number Assigned: \_\_\_\_\_  
Date filed with the Town Clerk \_\_\_\_\_

**FOR ZBA USE:**

Advertising dates: \_\_\_\_\_ & \_\_\_\_\_  
Public hearing date: \_\_\_\_\_

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

**A. WHAT ARE YOU SEEKING?**

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

- VARIANCE (exempts a property from some Zoning requirements)  
*You must complete portions A, B, C, D, G, H, I, and J of this form.*
- SPECIAL PERMIT (for changes to nonconforming uses, structures)  
*You must complete portions A, B, C, E, G, H, I, and J of this form.*
- APPEAL (to overturn a decision of Building Inspector or a Board)  
*You must complete portions A, B, C, F, G, H, I, and J of this form.*

**B. SITE / PROPERTY INFORMATION**

Address of Subject Property 740 Main Street

Assessor's Map No. 24 Lot No. 13, 13A

Registry of Deeds Book No: 554 Page: 231

Zoning District(s) B2 General Bus.

Overlay Districts (if any) \_\_\_\_\_

**C. APPLICANT AND OWNER INFORMATION**

Applicant's  
Information

Name (please print) Big Y Foods, Inc (Formerly Pinewood Realty Tr.) Phone (area code first) 413-504-4792

Street Address 2145 Roosevelt Avenue, P.O. Box 7840

City, State, Zip Code Springfield, MA 01102-7840

If Applicant is a corporation, provide name of contact person: Dwight Merriman (Property Manager)

Email Address Merriman@bigy.com Signature Dwight Merriman

- Check here if Applicant and Property Owner are the same, and skip to the next section.
- Check here if Applicant is different than the Property Owner, and to verify that you have the Property Owner's permission to file this Application. Note that the **Property Owner must sign below** to indicate permission to file this Application.
- Enter Property Owner's information EXACTLY as it appears on the most recent tax bill.

Property  
Owner's  
Information

Name (please print) \_\_\_\_\_ Phone (area code first) \_\_\_\_\_

Street Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Email Address \_\_\_\_\_ Signature \_\_\_\_\_

**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):  Allow extension/alteration of a non-conforming structure to allow installation of a canopy over a loading area with Incorporated scissor lift. The location is in an area of a previously-approved loading space.
- 2) This application is made under the following Sections of the Zoning Bylaw (check all that apply)
 

<input type="checkbox"/> Section 5.2	<input checked="" type="checkbox"/> Section 5.3	<input type="checkbox"/> Section 5.5
<input type="checkbox"/> Section 5.6	<input type="checkbox"/> Section 5.7	<input checked="" type="checkbox"/> Section 10.4
- 3) Reason(s) that this property is not in conformance with the Zoning Bylaw  Existing non-conforming structures do not meet side yard requirements.
- 4) Are there any previous Special Permits or Variances for this property?
 

<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	If yes, provide date(s), and name of Issuing Board
		Planning Board (731-07 - granted 8/21/07) ZBA (Granted May 2007)

**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.

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**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."

Bright Meriman (signed) 6/19/14 (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)

June 23, 2014

Great Barrington Zoning Board of Appeals  
Attn: Bernie Drew, Secretary  
334 Main Street  
Great Barrington, MA 01230

RE: Petco Re-tenanting, 740 Main Street (Big Y center)  
Our File: 96199

Dear Bernie:

Big Y Foods, Inc., the owner of the center at 740 Main Street is proposing to re-tenant the space formerly used by Rite Aid Pharmacy for use by Petco. The proposal will maintain the current retail use of the space, but will require internal remodeling. In addition, a new façade and signage is proposed for the store front, and a new concrete pad and scissor lift is proposed in the rear. To protect the scissor lift from the elements, it is proposed that the lift and concrete be covered by an all-weather canopy structure. The existing building is non-conforming as to a side yard setback. The existing structure (south wall of the Big Y occupancy space) is located as close to 0.83 feet from the side property boundary and 8.45 feet from the property line (west wall of the proposed Petco occupancy space). It is our understanding that the proposed canopy would be considered a building structure and per Section 5.3 of the Great Barrington Zoning Bylaws, in order to reconstruct, extend, alter or change the existing non-conforming structure, a Special Permit would be required from the Great Barrington ZBA. The proposed canopy would be located in the rear of the store, in an area that is currently approved as a loading area. The proposed canopy would meet the minimum set back requirements (10 feet) for both the rear and side yards. Please accept this application for consideration.

Regarding the Special Permit Criteria stipulated in Section 10.4.2 of the Zoning By-laws, I offer the following: The proposal will result in providing goods and services that will meet the social, economic and community needs of area residents by providing for their pet care needs. The proposal provides for traffic flow and safety through use of an isolated loading area, away from customers and the provision of a lift makes it safer for employees. The proposal also does not reduce parking below the minimum spaces approved for the center as stipulated in the August 21, 2007 Notice of Decision of Special Permit. There are adequate utilities and public services at the center. The proposal will not adversely change the character of the neighborhood or its social structure, as the adjacent uses are also receiving/loading uses. There are no adverse impacts on the natural environment since the proposal takes place within an area that is currently paved and is in substantial conformance with the current activity permitted for the area in question. In fact, by covering the loading area and protecting it from

Bernie Drew  
June 23, 2014  
Page 2

precipitation, it could be argued that loading activities would have less of a chance to adversely impact the environment than the current, unprotected condition. The re-tenant proposal will provide for additional jobs for area residents, would have no adverse impact on town services, and would result in increasing the value of the property.

Please note that we also are concurrently applying to the Planning Board for Site Plan approval (i.e., modification to a previously-approved site plan). We would appreciate being scheduled to be heard by the Board at its earliest convenience. Big Y would like to begin construction before the end of the summer and turn the space over to the new tenant.

If you have any questions, please do not hesitate to contact me at 860-653-8000.

Sincerely,

**F. A. Hesketh & Associates, Inc.**

A handwritten signature in black ink, appearing to read 'Guy A. Hesketh', with a long horizontal line extending to the right.

Guy A. Hesketh, P.E.  
Chief Engineer

cc: Dwight Merriman – Big Y Foods, Inc.



Bruce Firger, Assessor  
John Katz, Assessor  
Christopher J. Lamarre  
Principal Assessor

E-mail: [clamarre@townofgb.org](mailto:clamarre@townofgb.org)



Town Hall, 334 Main Street  
Great Barrington, MA 01230

Telephone: (413) 528-2220 x 5  
Fax: (413) 528-2290

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

June 23, 2014

### ASSESSORS' OFFICE

ABUTTERS TO PROPERTY OF: BIG Y FOODS INC.

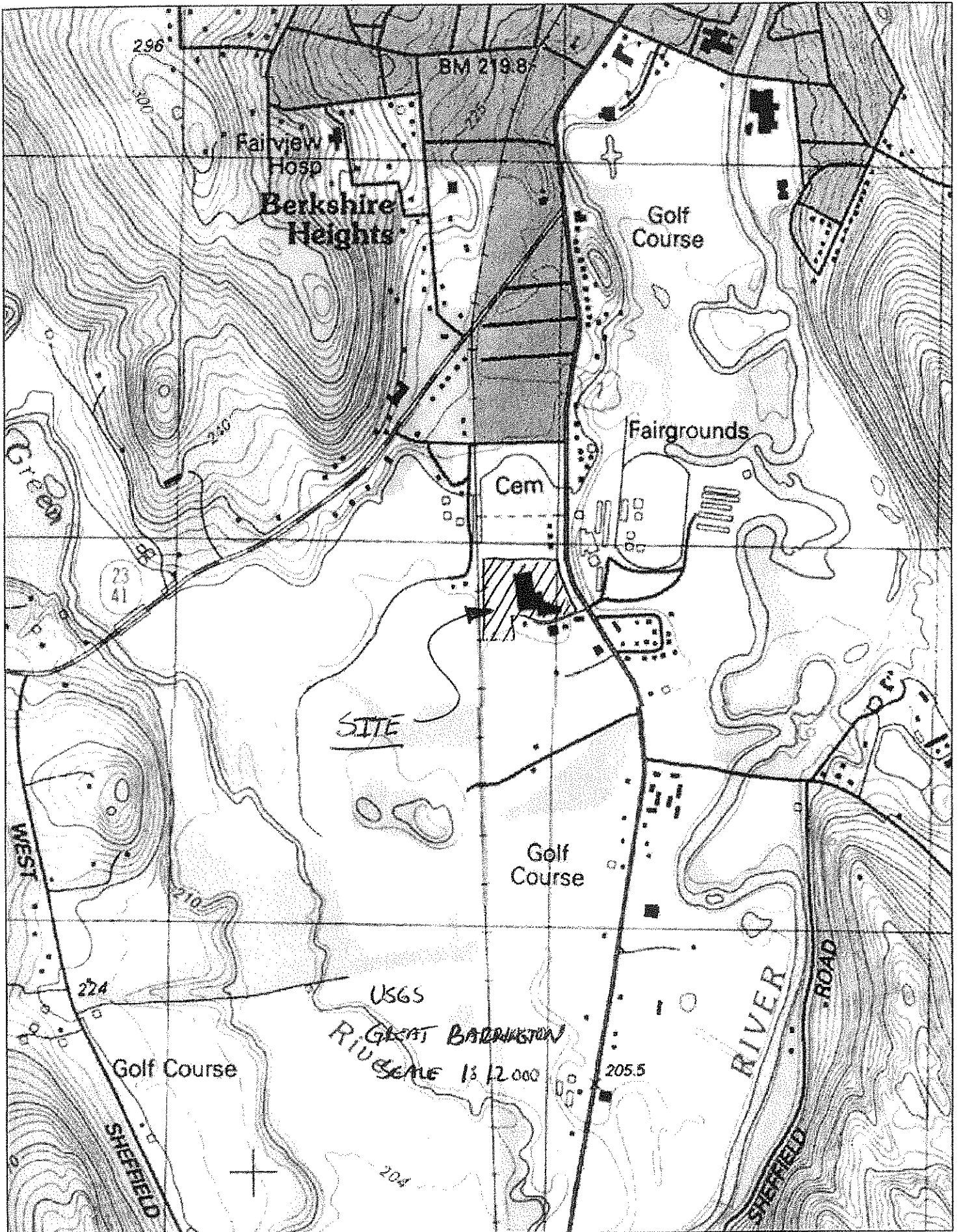
740 Main Street, Map 24 Lots 13, 13A, Book 554 Pg. 231

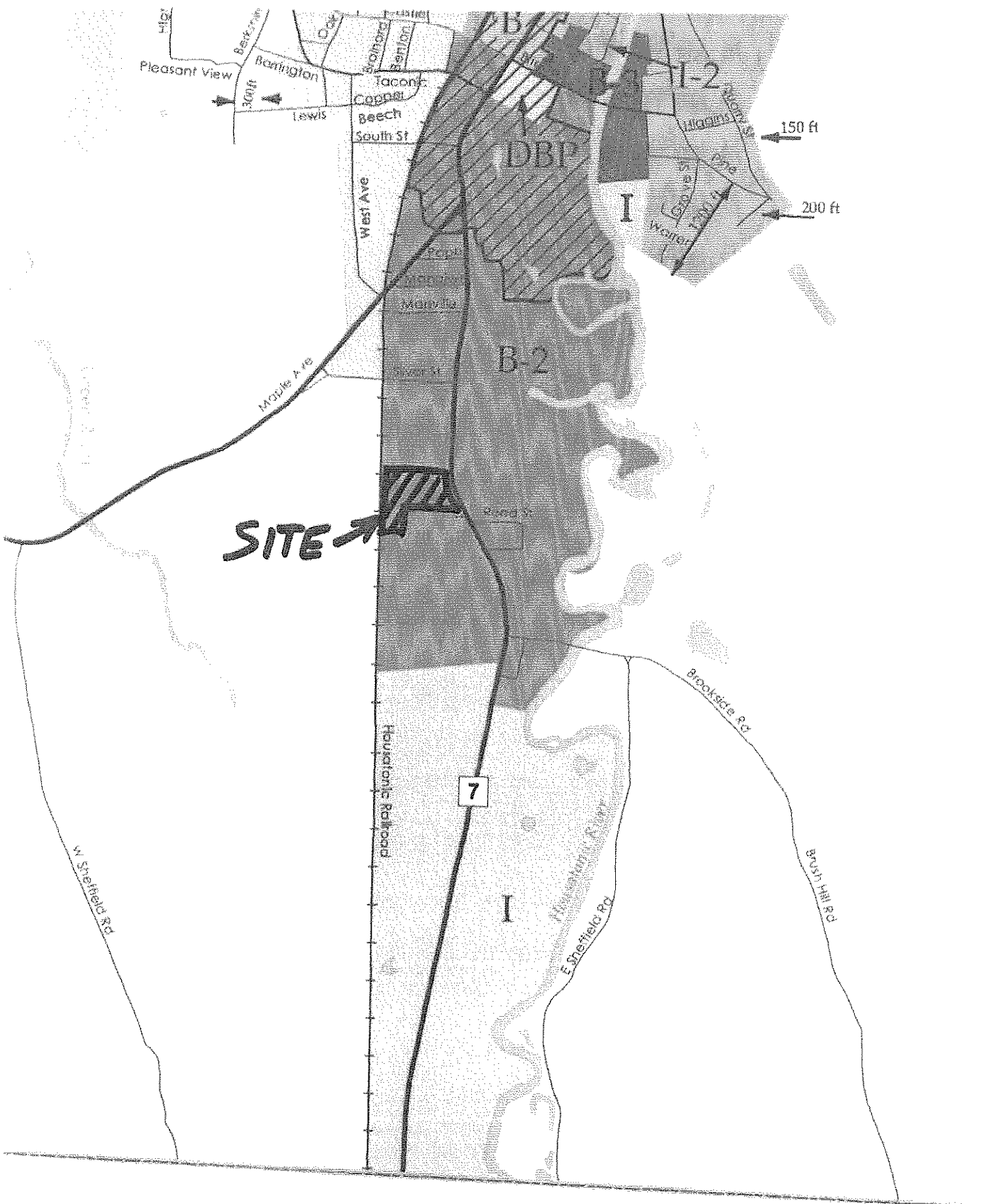
<u>MAP</u>	<u>LOT</u>	<u>ABUTTER</u>
24	10	Ann E. Klein, PO Box 1835, Lenox, MA 01240-4835
24	9,10A	Richard M. Klein, PO Box 1835, Lenox, MA 01240-4835
24	14,15	Guidos Realty Inc., 1020 South St., Pittsfield, MA 01201-8225
24	11,12	Emprimo Limited Liability Co., 400 Hewins St., Sheffield, MA 01257-9544
24	17	Estate of Marguerite Guilick, 770 Main St., Gt. Barrington, MA 01230-2014
24/7 & 30/43		Riverhill Farm Properties LLC, 615 South Egremont Rd., Gt. Barrington, MA 01230-1931
25	5	Fair Ground Community Development Project Inc., 1554 Boardman St., Sheffield, MA 01257-9522
25	10	Great Barrington Investment Partners, 783 Main St., Gt. Barrington, MA 01230-2005
25	6	Berkhill 777 LLC, 30 East Northampton St., Wilkes-Barre, PA 18701-2408
30	48	James A. Modolo Post Home Inc., PO Box 357, Gt. Barrington, MA 01230-0357
24/8 & 25/5A		Town of Great Barrington, 334 Main St. Room 208, Gt. Barrington, MA 01230-1832

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

Sincerely,

Christopher Lamarre  
Principal Assessor





**Zoning Data**

**Zone District: B-2**

Lot Area:	Minimum required: 5,000 sq. ft. Proposed: 48,531.25 sq. ft.
Lot Width:	Minimum required: 50 feet Proposed: 158 feet
Front Yard:	Minimum required: 25 feet Proposed: 120.9 feet
Side Yard:	Minimum required: 20 feet Proposed: 23.1 feet (existing set-backs)
Rear Yard:	Minimum required: 10 feet Proposed: 118.0 feet
Building Coverage:	Maximum allowed: 75 percent Proposed: 21.96 percent
Height of Building:	Maximum allowed: 40 feet in 3 stories Proposed: 40 feet or less
Parking:	Required: 54 spaces (1 Space per 200 sq. ft. of Gross Floor Area (GFA)) Proposed: 1 Space per 2,000 sq. ft. of GFA (1,000 sq. ft. of GFA) = 11,250,272 sq. ft. (2,250) = 14,500 sq. ft. (2,900) = 5416 Spaces 512 spaces (shown here 12,500 square feet) 422 spaces
Loading:	Required: 2 spaces (2 loading spaces for first 20,000 S.F. + 1 Space per 20,000 S.F.) in 2 x 10' (20' x 10' x 10') Proposed: 2 loading spaces

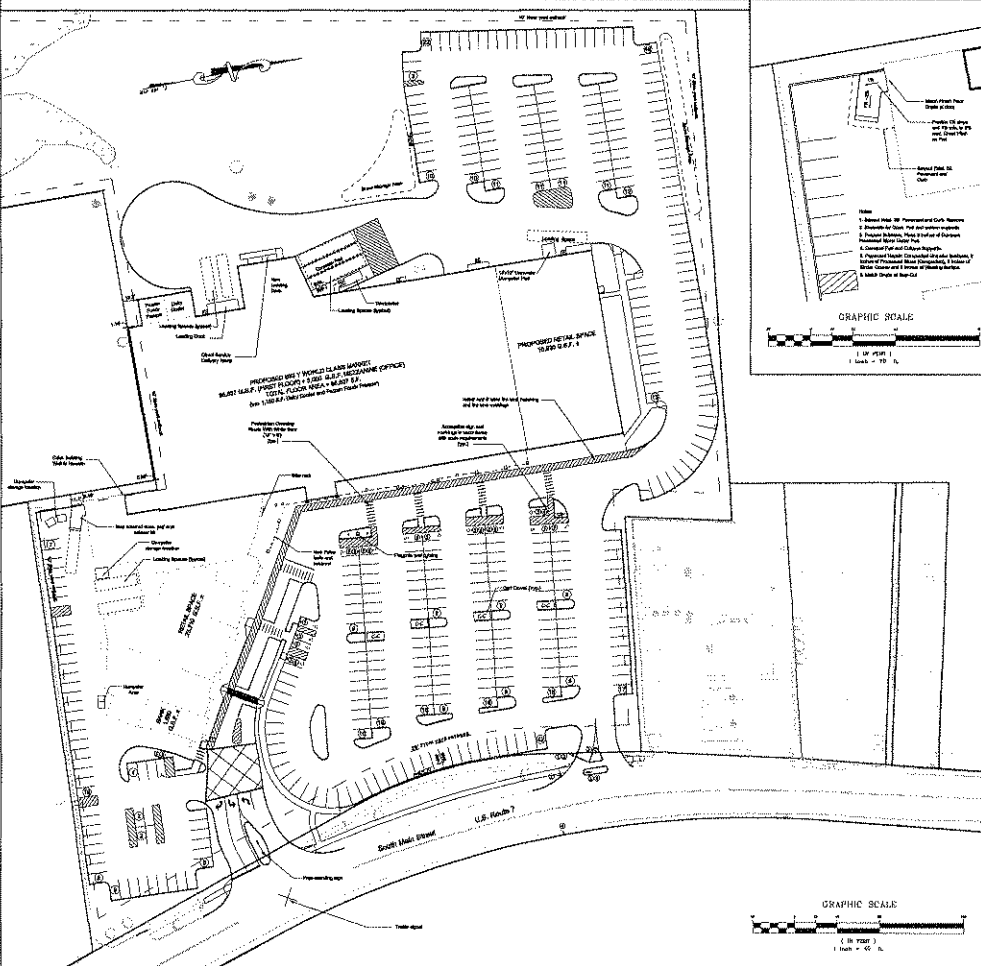
\* Per Code for VEH. 111-201: "The Board of Selectmen may grant a special permit to allow a structure to be located in a position not otherwise permitted under this section, or alteration of the parking on the lot to be in a position not otherwise permitted."

\* Per Special Permit Granted 02/24/11 (see 211 and 212), a total of 422 parking spaces were approved, with provisions to reduce parking of equivalent spaces to allow for a vehicle gas storage driveway between Big Y and Gaudin's. The 422 parking spaces are shown on the site plan, subsequent to the granting of the Special Permit, to allow for the pass through between Big Y and Gaudin's.

- Signage/Signage Marking Notes**
- All standard parking signs shall be painted with white traffic paint or white vinyl.
  - All on-street parking signs and signs shall be painted with white traffic paint or white vinyl.
  - Install additional fire lane markings and signage as directed by the Fire Department. Fire lane markings and other signs of parking prohibitions shall be painted with yellow traffic paint (see table below).
  - All traffic signs shall conform to MFD 2002.21 and MFD 2002.25.
  - All pavement markings and signs shall conform to "Manual on Uniform Traffic Control Devices", MFD requirements, State Building Code and ADA Requirements, and as shown on the drawing.

**Signage Legend**

Symbol	Location	Number	Quantity
(1) STOP	MFD 2002.21-1	30" x 36"	1
(2) NO PARKING	MFD 2002.21-1	24" x 36"	2
(3) NO PARKING	MFD 2002.21-1	24" x 36"	1
(4) NO PARKING	MFD 2002.21-1	24" x 36"	2
(5) NO PARKING	MFD 2002.21-1	24" x 36"	14
(6) NO PARKING	MFD 2002.21-1	24" x 36"	1
(7) NO PARKING	MFD 2002.21-1	24" x 36"	1



**BIG Y - Great Barrington**

**F.A.H. F.A. Hasketh & Associates, Inc.**  
 40 Chestnut Street, 2nd Floor, CT 06032  
 Tel: 860.339.8800  
 Fax: 860.339.8801  
 www.fahinc.com

**LA-1**

**BIG Y FOODS, INC. - PETCO**  
 740 WEBB STREET  
 GREAT BARRINGTON, MASSACHUSETTS  
 Date: 09/23/07  
 Drawn by: J. H. Hasketh  
 Checked by: J. H. Hasketh  
 Scale: 1" = 20' (Overall)

