

Jennifer Tabakin
Town Manager

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



Town Hall, 334 Main Street
Great Barrington, MA 01230

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

TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

SELECTBOARD'S MEETING AGENDA

MONDAY, SEPTEMBER 25, 2017

7:00 PM – REGULAR SESSION

TOWN HALL, 334 MAIN STREET

ORDER OF AGENDA

7:00 PM - OPEN MEETING

1. CALL TO ORDER
2. APPROVAL OF MINUTES:
July 31, 2017 Special Meeting.
3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:
A. General Comments by the Board.
4. TOWN MANAGER'S REPORT:
A. Department Updates

B. Project Updates
- Municipal Aggregation
- Downtown Parking
5. PUBLIC HEARINGS:
A. To review and receive comments on the implementation of the FY14 CDBG CDF I 00763 Great Barrington Community Development Block Grant, including Front Street Drainage Improvements Construction Project and the Housing Rehabilitation Program. Residents and interested individuals from Great Barrington are encouraged to attend and participate.
 - a. Discussion/Public Comments
- B. Familia Botanica, LLC d/b/a Botanica, Carla L. Blades, Manager for a new Common Victualler Restaurant All Alcoholic Liquor License with seasonal outdoor seating up to 8 seats at 34 Railroad Street, Great Barrington, MA 01230. (Discussion/Vote)
 - a. Open Public Hearing
 - b. Explanation of Project
 - c. Speak in Favor/Opposition
 - d. Motion to Close Public Hearing
 - e. Motion re: Findings
 - f. Motion re: Approval/Denial/Table

- C. Special Permit Application of Timeless Auto Sales, LLC, to permit a motor vehicle salesroom including used car lot at 109 Stockbridge Road, Great Barrington, in accordance with Sections 3.1.4 C (16) and 10.4 of the Zoning Bylaw. The Applicant seeks to operate on a portion of the premises, both utilizing office space in a portion of the existing building and parking cars for sale in 14 spaces of the existing parking lot. (Discussion/Vote)
- a. Open Public Hearing
 - b. Explanation of Project
 - c. Speak in Favor/Opposition
 - d. Motion to Close Public Hearing
 - e. Motion re: Findings
 - f. Motion re: Approval/Denial/Table

6. LICENSES OR PERMITS:

- A. George Laye/The Guthrie Center for three (3) One Day Beer and Wine Liquor Licenses for October 6, 7 and November 19, 2017 from 6:00 pm – 12:00 pm at the Guthrie Center, 2 VanDeusenville Road. (Discussion/Vote)

7. NEW BUSINESS:

- A. SB – To vote to enter into agreement with Mass Dept. of Fish and Game re: boat launch at Lake Mansfield. (Discussion/Vote)
- B. Open Meeting Law Complaint – Acknowledge receipt of August 29, 2017 complaint from Eileen Mooney questioning the legality of the Executive Session held on August 28, 2017 Selectboard's meeting did not comply with the Open Meeting Law. (Discussion/Vote)

8. CITIZEN SPEAK TIME:

9. SELECTBOARD'S TIME:

10. MEDIA TIME:

11. ADJOURNMENT:

NEXT SELECTBOARD'S MEETING: Monday, October 16, 2017, 7:00 P.M.


Jennifer Tabakin, Town Manager

Pursuant to MGL. c. 30A sec. 20 (f), after notifying the chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body, or may transmit the meeting through any medium. At the beginning of the meeting, the chair shall inform other attendees of any such recordings. Any member of the public wishing to speak at the meeting must receive permission of the chair. The listings 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.

SB 9/25

**NOTICE OF PUBLIC HEARING
TOWN OF GREAT BARRINGTON SELECTBOARD
SEPTEMBER 25, 2017**

The Great Barrington Selectboard will hold a Public Hearing on Monday, September 25, 2017 at 7:00 pm in the Selectboard's Meeting Room in Town Hall, 334 Main Street, Great Barrington, to review and receive comments on the implementation of the FY14 CDBG CDF I 00763 Great Barrington Community Development Block Grant, including Front Street Drainage Improvements Construction Project and the Housing Rehabilitation Program. Residents and interested individuals from Great Barrington are encouraged to attend and participate. For additional information please call William Compton, Berkshire Regional Planning Commission, 413-442-1521 x 14.

BRPC published in the Eagle

TOWN OF GREAT BARRINGTON

NOTICE OF PUBLIC HEARING

The Selectboard will hold a public hearing on Monday, September 25, 2017 at 7:00 PM at the Town Hall, 334 Main Street, Great Barrington, MA 01230 to act on the application of Familia Botanica, LLC d/b/a Botanica, Carla L. Blades, Manager for a new Common Victualler Restaurant All Alcoholic Liquor License with seasonal outdoor seating up to 8 seats at 34 Railroad Street, Great Barrington, MA 01230.

Sean Stanton
Chair

PLEASE PUBLISH September 15 and September 22, 2017.

PUBLIC HEARING:

The Selectboard will hold a public hearing on Monday, September 25, 2017 at 7:00 PM at the Town Hall, 334 Main Street, Great Barrington, MA 01230 to act on the application of Familia Botanica, LLC d/b/a Botanica, Carla L. Blades, Manager for a new Common Victualler Restaurant All Alcoholic Liquor License with seasonal outdoor seating up to 8 seats at 34 Railroad Street, Great Barrington, MA 01230.

- a. Board - Open Public Hearing
- b. Applicant/Attorney - Explanation of Project
- c. Board - Motion to Close Public Hearing
- d. Board - Motion re: Findings

FINDINGS OF FACT:

Completed application was submitted to the Selectboard on August 2, 2017.

Public Hearing was properly advertised in the Berkshire Record for two (2) consecutive weeks on September 15 and September 22, 2017.

Public Hearing is scheduled for September 25, 2017 @ 7:00 PM at Town Hall, 334 Main Street, Great Barrington, MA 01230.

No impediments were disclosed as to the approval or denial for a new Common Victualler All Alcoholic Restaurant Liquor License at 34 Railroad Street, Great Barrington, MA 01230.

- e. Board - Motion re: Approval/Denial/Table

Motion: _____ Move to approve the Findings of Fact on the application of Familia Botanica, LLC d/b/a Botanica, Carla L. Blades, Manager for a new Common Victualler All Alcoholic Restaurant Liquor License at 34 Railroad Street, Great Barrington, MA 01230, and with the findings that the benefits of the proposal outweigh any possible detrimental impacts.

Second:

Vote:



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
www.mass.gov/abcc

APPLICATION FOR A RETAIL ALCOHOLIC BEVERAGES LICENSE

Please complete this entire application, leaving no fields blank. If field does not apply to your situation, please write N/A.

1. NAME OF PROPOSED LICENSEE (Business Contact)

This is the corporation or LLC which will hold the license, not the individual submitting this application. If you are applying for this license as a sole proprietor, not an LLC, corporation or other legal entity, you may enter your personal name here.

2. RETAIL APPLICATION INFORMATION

There are two ways to obtain an alcoholic beverages license in the Commonwealth of Massachusetts, either by obtaining an existing license through a transfer or by applying for a new license.

Are you applying for a new license New Transfer or the transfer of an existing license?

If transferring, please indicate the current ABCC license number you are seeking to obtain:

If applying for a new license, are you applying for this license pursuant to special legislation?

If transferring, by what method is the license being transferred?

Yes No

Chapter

Acts of

3. LICENSE INFORMATION / QUOTA CHECK

City/Town

On/Off-Premises

TYPE

CATEGORY

CLASS

4. APPLICATION CONTACT

The application contact is required and is the person who will be contacted with any questions regarding this application.

First Name:

Middle:

Last Name:

Title:

Primary Phone:

Email:

5. OWNERSHIP

Please list all individuals or entities with a direct or indirect, beneficial or financial interest in this license.

An individual or entity has a direct beneficial interest in a license when the individual or entity owns or controls any part of the license. For example, if John Smith owns Smith LLC, a licensee, John Smith has a direct beneficial interest in the license.

An individual or entity has an indirect beneficial interest if the individual or entity has 1) any ownership interest in the license through an intermediary, no matter how removed from direct ownership, 2) any form of control over part of a license no matter how attenuated, or 3) otherwise benefits in any way from the license's operation. For Example, Jane Doe owns Doe Holding Company Inc., which is a shareholder of Doe LLC, the license holder. Jane Doe has an indirect interest in the license.

- A. All individuals listed below are required to complete a Beneficial Interest Contact - Individual form.
- B. All entities listed below are required to complete a Beneficial Interest Contact - Organization form.
- C. Any individual with any ownership in this license and/or the proposed manager of record must complete a CORI Release Form.

Name	Title / Position	% Owned	Other Beneficial Interest
Carla Blades	LLC Member	50%	
Adam Medina	LLC Member	50%	

For additional space, please use next page

APPLICATION FOR A NEW RETAIL ALCOHOLIC BEVERAGES LICENSE

5. OWNERSHIP (continued)

Name	Title / Position	% Owned	Other Beneficial Interest

6. PREMISES INFORMATION

Please enter the address where the alcoholic beverages are sold.

Premises Address

Street Number: Street Name: Unit:

City/Town: State: Zip Code:

Country:

Description of Premises

Please provide a complete description of the premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage.

Floor Number	Square Footage	Number of Rooms	Patio/Deck/Outdoor Area Total Square Footage
1	1180	3 (including bathrooms)	<input type="text" value="192"/>
			Indoor Area Total Square Footage <input type="text" value="1200"/>
			Number of Entrances <input type="text" value="1"/>
			Number of Exits <input type="text" value="2"/>
			Proposed Seating Capacity <input type="text" value="55"/>
			Proposed Occupancy <input type="text" value="60"/>

Occupancy of Premises

Please complete all fields in this section. Documentation showing proof of legal occupancy of the premises is required.

Please indicate by what right the applicant has to occupy the premises Landlord Name

Lease Beginning Term Landlord Phone

Lease Ending Term Landlord Address

If leasing or renting the premises, a signed copy of the lease is required.

If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.

Please indicate if the terms of the lease include payments based on the sale of alcohol: Yes No

APPLICATION FOR A NEW RETAIL ALCOHOLIC BEVERAGES LICENSE

7. BUSINESS CONTACT

The Business Contact is the proposed licensee. If you are applying as a Sole Proprietor (the license will be held by an individual, not a business), you should use your own name as the entity name.

* Please see last page of application for required documents based on Legal Structure *

Entity Name: FEIN:

DBA: Fax Number:

Primary Phone: Email:

Alternative Phone: Legal Structure of Entity

Business Address (Corporate Headquarters) Check here if your Business Address is the same as your Premises Address

Street Number: Street Name:

City/Town: State:

Zip Code: Country:

Mailing Address Check here if your Mailing Address is the same as your Premises Address

Street Number: Street Name:

City/Town: State:

Zip Code: Country:

Is the Entity a Massachusetts Corporation? Yes No

If no, is the Entity registered to do business in Massachusetts? Yes No

If no, state of incorporation

Other Beneficial Interest

Does the proposed licensee have a beneficial interest in any other Massachusetts Alcoholic Beverages Licenses? Yes No *If yes, please complete the following table.*

Name of License	Type of License	License Number	Premises Address
	<input type="text"/>		
	<input type="text"/>		
	<input type="text"/>		
	<input type="text"/>		

Prior Disciplinary Action:

Has any alcoholic beverages license owned by the proposed licensee ever been disciplined for an alcohol related violation?

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation
N/A				

APPLICATION FOR A NEW RETAIL ALCOHOLIC BEVERAGES LICENSE

8. MANAGER CONTACT

The Manager Contact is required and is the individual who will have day-to-day, operational control over the liquor license.

Salutation First Name Middle Name Last Name Suffix

Social Security Number Date of Birth

Primary Phone: Email:

Mobile Phone: Place of Employment

Alternative Phone: Fax Number

Citizenship / Residency / Background Information of Proposed Manager

Are you a U.S. Citizen? Yes No

Do you have direct, indirect, or financial interest in this license? Yes No

Have you ever been convicted of a state, federal, or military crime? Yes No
If yes, attach an affidavit that lists your convictions with an explanation for each

If yes, percentage of interest

Have you ever been Manager of Record of a license to sell alcoholic beverages? Yes No

If yes, please list the licenses for which you are the current or proposed manager:

If yes, please indicate type of Interest (check all that apply):

Officer Sole Proprietor
 Stockholder LLC Manager
 LLC Member Director
 Partner Landlord
 Contractual Revenue Sharing
 Management Agreement Other

Please indicate how many hours per week you intend to be on the licensed premises

Employment Information of Proposed Manager

Please provide your employment history for the *past 10 years*

Date(s)	Position	Employer	Address	Phone
2/2016-5/2017	Retail Sales	Griffin Giroux	165 Main St., Gt Barrington, MA	413-528-5000
2004-2016	Childcare provider	Carla's Family Childcare (self)	37 High St., Gt. Barrington, MA	413-329-0952

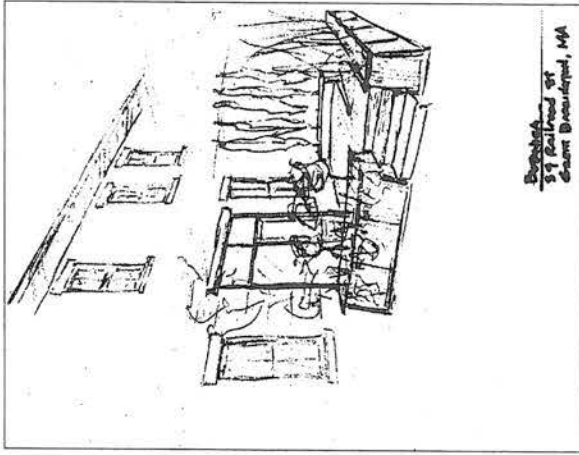
Prior Disciplinary Action of Proposed Manager

Have you ever been involved directly or indirectly in an alcoholic beverages license that was subject to disciplinary action? If yes, please complete the following:

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation



1 LOCUS N.T.S.

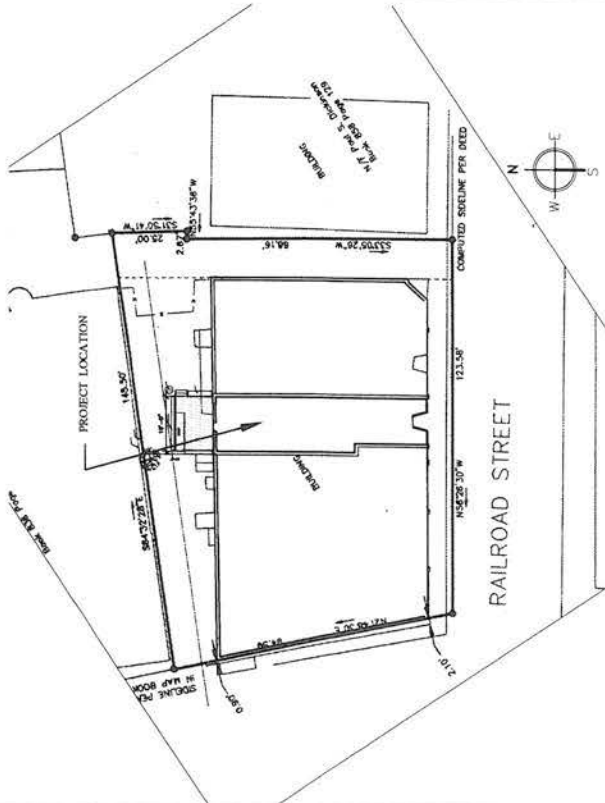


3D rendering of Great Barrington, MA

SITE PLAN REVIEW CRITERIA:

1. APPLICABLE ZONING SECTIONS
- 3.0 USE REGULATIONS:
 - PROPOSED USE ALLOWED AS OF RIGHT (B DISTRICT, VC00, RETAIL AND RESTAURANT)
- 9.6 VILLAGE CENTER OVERLAY DISTRICT
 - 9.6.1 FOSTERS MIX OF USES
 - 2. PRESERVES HISTORIC CHARACTER
 - 3. PRESERVES HISTORIC CHARACTER
 - 4. ENCOURAGES ECONOMIC REVITALIZATION
 - 5. PROMOTES MIXED-USE BUILDING
 - 9.6.11 PARKING REQUIREMENTS DO NOT APPLY
- 10.5. SITE PLAN REVIEW
- 10.5.5 APPROVAL CRITERIA
 - ITEMS 1-8 ONLY CRITERIA APPLICABLE:
 1. NO NEGATIVE IMPACT ON PEDESTRIAN OR VEHICULAR TRAFFIC ACCESSING THE SITE - ADEQUATE RIGHT OF WAY IS MAINTAINED
 2. OBSERVATION OF SCENIC VIEWS
 3. VISUAL INTRUSION OF DECK WILL BE MINIMIZED BY ADDITION OF PLANTERS ALONG SIDES OF DECK
 4. EXTERIOR WALL HUNG LIGHT FIXTURE AT REAR DECK WILL COMPLY WITH "DARK SKY" CRITERIA
 5. KEEPING WITH ADJACENT PUBLIC WAYS AND PLACES.
 6. NOT APPLICABLE
 7. NOT APPLICABLE
 8. NOT APPLICABLE

APPROVED BY PLANNING BOARD, 6.8.17
 APPROVED BY DAC, 6.21.17



2 Site Plan - Street Level
 SCALE: 1" = 40'0"

LIST OF DRAWINGS

- A1.0 Site Plan, Project Narrative, List of Drawings
- A2.0 Property Survey filed with Register of Deeds
- A3.0 Proposed Overall Plan and Enlarged Bathroom Plans
- A4.0 Enlarged Plan of Rear Deck
- A5.0 Enlarged Food Prep Area Plan and Equipment Schedules
- A6.0 Exterior Elevation - Rear

PROJECT NARRATIVE

1. PROPERTY INFORMATION: Map 19 Lot 70
2. PROJECT LOCATION: 34 Railroad St, Great Barrington, MA 01230
3. PROPOSED WORK: ALTERATION LEVEL 2, as per IBC 2009. Fit out of 1,200 s.f. street level retail and cafe bar, including the installation of new food preparation area. No gas cooking will take place that will require fire suppression system. Other work includes new outdoor 17x13 raised wood deck at rear of space, enlarging existing rear windows and door, remodel of existing bathroom, addition of new HC bathroom, painting, and miscellaneous electrical and plumbing work.
4. WORK AREA: Ground level 1200 S.F., storefront space (at grade)
5. ZONING DISTRICT: B-Business, VC00 business zone;
6. CONSTRUCTION TYPE: TYPE III-B - Unsprinklered
7. HEIGHT AND AREA: 40 ft. (3) story; Store Only = 1200 s.f. gross approx. -
8. EXISTING USE: M - Mercantile
9. PROPOSED USE and OCCUPANCY - Mixed M (Mercantile) and A-2 (Assembly)
10. PROPOSED MAXIMUM ALLOWABLE OCCUPANT LOADS:
 - 10.1. Cafe - Based on A-2 - 580 s.f. Net, 15 s.f./occup. = 39 Occupants
 - 10.2. Deck - Based on A-2 - 120 s.f. net 15 s.f./occup. = 8 Occupants
 - 10.3. Cafe Service - 200 s.f. gross, 200 s.f./ occup = 1 occupant
 - 10.4. Mercantile - 375 s.f. gross, 30 s.f./occupant = 12 occupants
 - 10.5. TOTAL MAXIMUM OCCUPANCY = 60 OCCUPANTS
11. MEANS OF EGRESS
 - 11.1. (2) 36" DOORS
 - 11.1.1 (1) to Street (36" / 2' / occ = 180 maximum capacity
 - 11.1.2 (1) to Rear alley (36" / 2' / occ = 180 maximum capacity
12. FIRE PROTECTION - lighted Exit signs with Emergency Lights at means of egress to be provided.
13. FIRE DETECTION
 - 13.1. Alarm notification system to be provided.
14. TOILET FACILITIES
 - 14.1. As per 248 CMR 10.18 for Assembly Use: 30 Women (proposed) - Required Fixtures: 1 Toilet, 1 sink 30 Men (proposed) - Required Fixtures: 1 Toilet, 1 sink Two Single Use Toilets will be provided AND IDENTIFIED AS UNisex AND/or GENDER NEUTRAL.
15. 521 CMR ACCESSIBILITY COMPLIANCE
 - 15.1. Accessible: Street Entrance is Accessible. Rear Deck will have accessible entrance.
 - 15.2. Toilets: As permitted by 521CMR Section 30.1.1, a single use Uni-Sex HC Public Toilet to be provided in lieu of fully accessible men's and women's toilets.

THIS WAS DISCUSSED WITH AND FOUND ACCEPTABLE BY AAB, BOSTON.

Design by
 Medina Designs
 413-529-4266
 278 Main St
 Great Barrington, MA 01230

Client
 Finis Botanica, LLC
 37 Main St
 Great Barrington, MA 01230

Project
 BOTANICA
 34 Railroad Street
 Great Barrington, MA 01230

SHEET NAME
 Site Plan and Existing Building Evolution

Permit SET

REV
 DATE
 SCALE
 SHEET

As Noted

A1.0



Design by
Medina Designs
413-329-4265
Architect
Houatonic Architectural Services
PO Box 287 Housatonic, MA 01722
413-854-8955

Client
Familla Botanica, LLC
37 High St
Great Barrington, MA

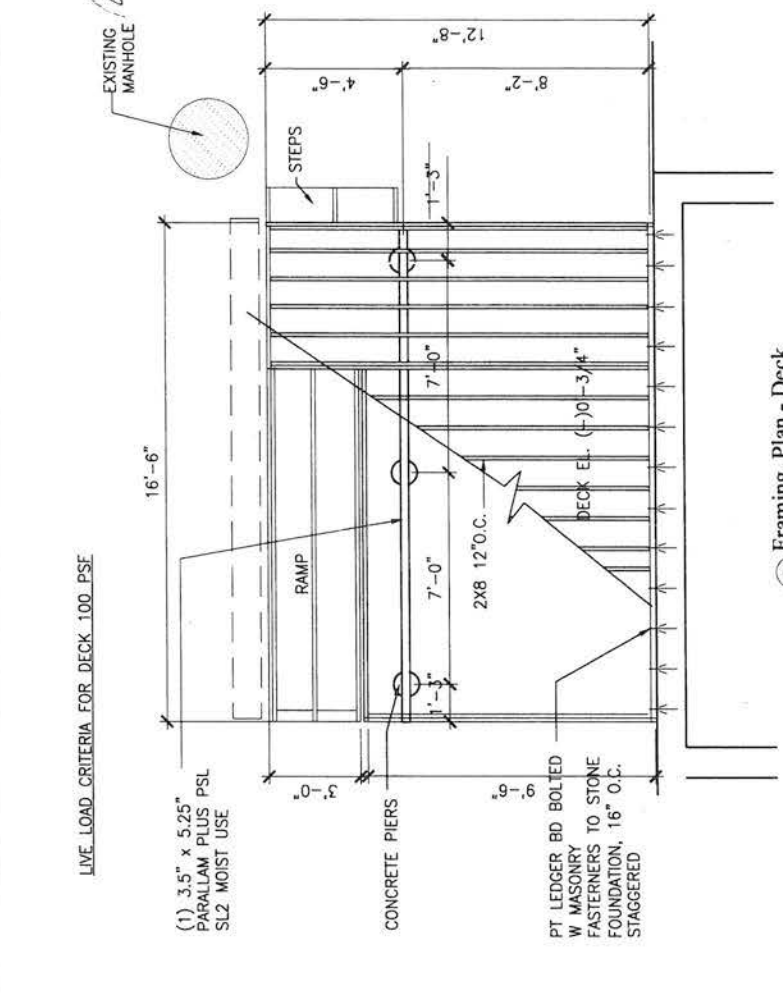
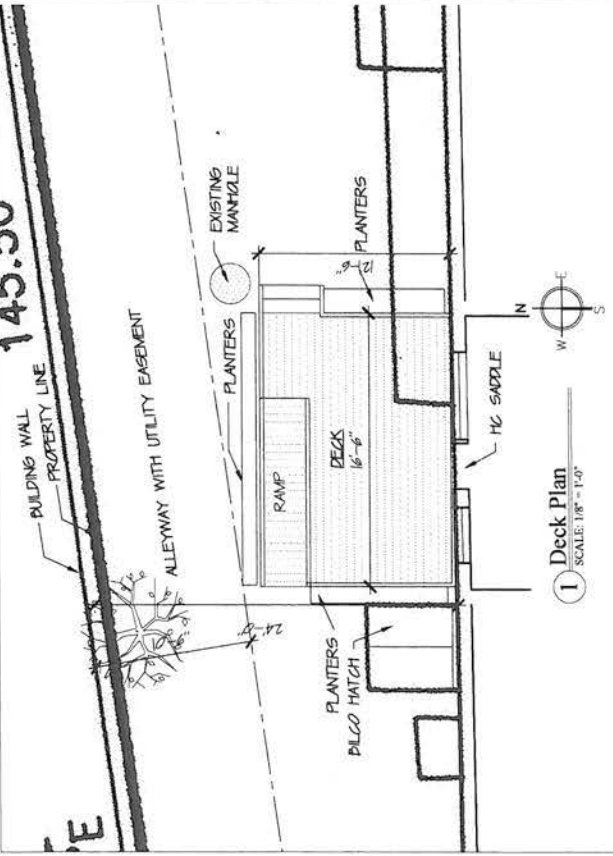
Project
BOTANICA
Retail and Cafe
34 Railroad Street
Great Barrington, MA

SHEET NAME
Enlarged Deck Plan
Rear Exterior Plan

Permit Set

REV	
DATE	July 6, 2017
SCALE	

SHEET AS NOTED
A4.0



LIVE LOAD CRITERIA FOR DECK 100 PSF

(1) 3.5" x 5.25" PARALLAM PLUS PSL SL2 MOIST USE

CONCRETE PIERS

PT LEDGER BD BOLTED W MASONRY TO STONE FASTENERS TO STONE FOUNDATION, 16" O.C. STAGGERED

2 Framing Plan - Deck
SCALE: 1/4" = 1'-0"



Design by
Medina Design
 Architectural
 413-329-4266
 P.O. Box 287
 Housatonic, MA 01223

Client
 Finis Botanica, LLC
 37 High St.
 Great Barrington, MA

Project
 BOTANICA
 Retail and Cafe
 34 Railroad Street
 Great Barrington, MA

SHEET NAME
 Food Prep Area Plan
 and Equipment
 Schedules

Permit SET

REV
 DATE July 6, 2017
SCALE
SHEET As Noted
A5.0

PLUMBING EQUIPMENT SCHEDULE

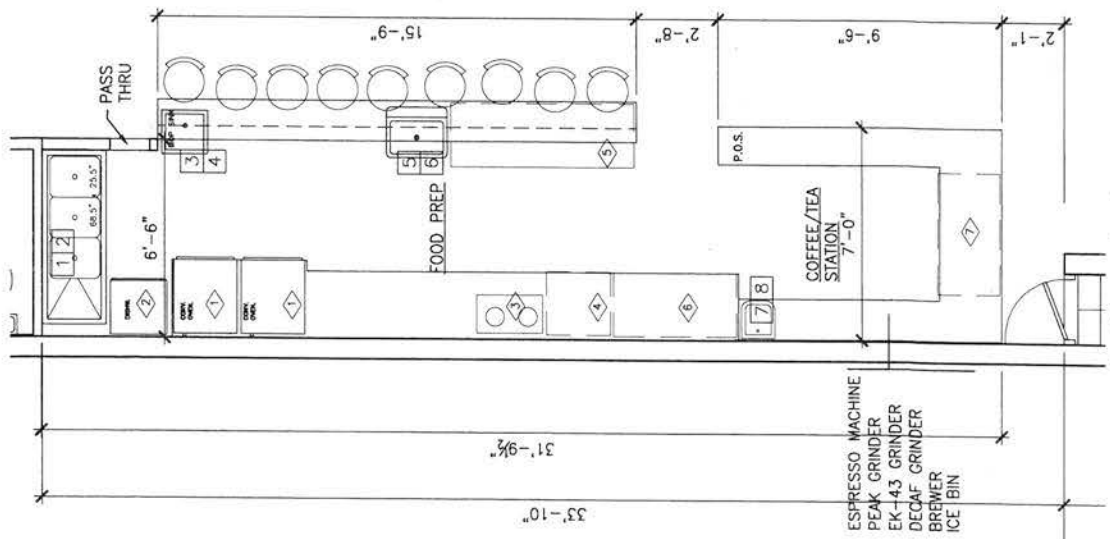
SYMBOL	DESCRIPTION	MANUFACTURER	MODEL #	QTY	FINISH/COLOR	REMARKS
1	3-COMPARTMENT SINK			1		
2	FAUCET			1		
3	MOP SINK			1		
4	FAUCET			1		
5	FOOD PREP SINK			1		
6	FAUCET			1		
7	PREP AREA HAND SINK			1		
8	FAUCET			1		
9	HAND SINK					
10	HAND FAUCET					
11	TOILET					
12	HC HAND SINK					
13	HC HAND FAUCET					
14	HC TOILET					

KEY: 1 EQUIPMENT TAG
 NOTE: ALL FAUCETS TO BE (CHROME) (NICKEL)(SATIN) FINISH
 VERIFY ORDER WITH BAG, PITTSFIELD

ELECTRICAL EQUIPMENT SCHEDULE

SYMBOL	DESCRIPTION	SIZE W/D/H	MANUFACTURER	MODEL #	QTY	FINISH/COLOR	REMARKS
1	CONVECTION OVEN	25x29x28	STAR	CCOH4	2		
2	SANITIZING DISH WASHER	24x24x35	JACKSON WWS	DISH S	1		
3	INDUCTION COOKTOP	23x14x25	VOLLRATH	59310	2		
4	UNDERCOUNTER FREEZER	24x22x35			1		
5	FRIDGE	72x24x34	TRUE MODEL		1		
6	DRINK COOLER	48x24x33.5	TRUE MODEL	TBB24-48G-LD	1		
7	MILK FRIDGE	48x24x33.5	TRUE MODEL	TBB24-48G-LD	1		
	ICE BIN						
	ESPRESSO MACHINE						
	PEAK GRINDER						
	EK-43 GRINDER						
	DECAF GRINDER						
	BREWER						

KEY: X EQUIPMENT TAG
 SANITIZING DISH WASHER



1 Food Preparation Area
 SCALE: 1/4" = 1'-0"



Allyson Gault
 Design by
 Medina Designs
 413-329-4268
 Architect
 Houatonic Architecture Services
 PO Box 287
 413-854-8955

Client
 Familia Botanica, LLC
 37 High St.
 Great Barrington, MA

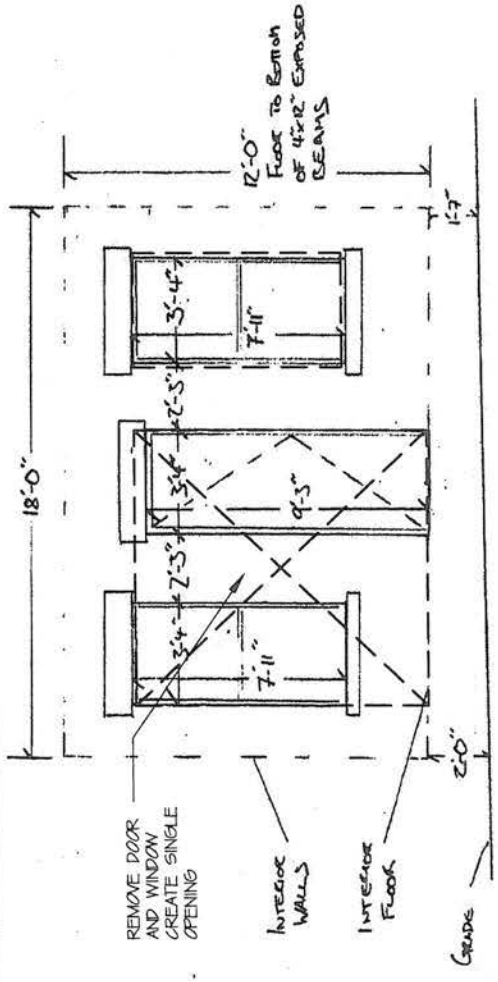
Project
 BOTANICA
 Retail and Cafe
 34 Railroad Street
 Great Barrington, MA

SHEET NAME
 Rear Exterior Elevations

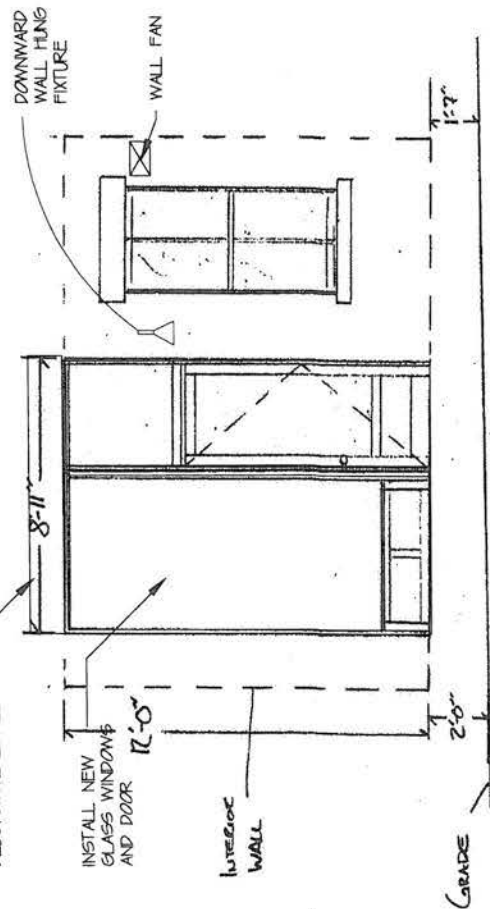
Permit SET

REV
 DATE July 6, 2017
 SCALE

SHEET
 As Noted
 A6.0



EXISTING CONDITIONS
34 RAILROAD STREET



PROPOSED CONDITIONS

1 Rear Exterior Elevations
 SCALE 1/8" = 1'-0"

APPLICANT'S STATEMENT

I, Carla Blades the: sole proprietor; partner; corporate principal; LLC/LLP member
Authorized Signatory

of Familia Botanica LLC, hereby submit this application for a new liquor license
Name of the Entity/Corporation Transaction(s) you are applying for

(hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statement and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises does not violate any requirement of the ABCC or other state law or local ordinances;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the Application information as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of, the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.

Signature: Carla Blades

Date: 5/30/17

Title: owner/manager



**The Commonwealth of Massachusetts
William Francis Galvin**

Minimum Fee: \$500.00

Secretary of the Commonwealth, Corporations Division
One Ashburton Place, 17th floor
Boston, MA 02108-1512
Telephone: (617) 727-9640

Certificate of Organization

(General Laws, Chapter)

Identification Number: 001269543

1. The exact name of the limited liability company is: FAMILIA BOTANICA, LLC

2a. Location of its principal office:

No. and Street: 34 RAILROAD STREET
City or Town: GREAT BARRINGTON State: MA Zip: 01230 Country: USA

2b. Street address of the office in the Commonwealth at which the records will be maintained:

No. and Street: 34 RAILROAD STREET
City or Town: GREAT BARRINGTON State: MA Zip: 01230 Country: USA

3. The general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:

FOOD AND BEVERAGE SERVICE - COFFEE SHOP.

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent:

Name: CARLA BLADES
No. and Street: 37 HIGH STREET
City or Town: GREAT BARRINGTON State: MA Zip: 01230 Country: USA

I, CARLA BLADES resident agent of the above limited liability company, consent to my appointment as the resident agent of the above limited liability company pursuant to G. L. Chapter 156C Section 12.

6. The name and business address of each manager, if any:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code

7. The name and business address of the person(s) in addition to the manager(s), authorized to execute documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers.

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
SOC SIGNATORY	CARLA BLADES	34 RAILROAD STREET GREAT BARRINGTON, MA 01230 USA
SOC SIGNATORY	ADAM MEDINA	34 RAILROAD STREET

GREAT BARRINGTON, MA 01230 USA

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
REAL PROPERTY	CARLA BLADES	34 RAILROAD STREET GREAT BARRINGTON, MA 01230 USA
REAL PROPERTY	ADAM MEDINA	34 RAILROAD STREET GREAT BARRINGTON, MA 01230 USA

9. Additional matters:

**SIGNED UNDER THE PENALTIES OF PERJURY, this 17 Day of April, 2017,
LEGALZOOM.COM, INC., A CALIFORNIA CORPORATION, CHEYENNE MOSELEY, ASSISTANT
SECRETARY**

(The certificate must be signed by the person forming the LLC.)

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are deemed to have been filed with me on:

April 17, 2017 05:25 AM

A handwritten signature in black ink, reading "William Francis Galvin". The signature is written in a cursive style with a large, prominent initial "W".

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

The Commonwealth of Massachusetts
Town of Great Barrington
DBA

New
Renew

No. 60-17

BUSINESS CERTIFICATE

In conformity with the provisions of Chapter one hundred and ten, Section five of the General Laws, as amended, the undersigned hereby declare(s) that a business under the title of

Botanica
is conducted at 34 Railroad St
for the purpose of (type of business) Cafe
in Great Barrington, by the following person(s).

Please be advised that the attached Business Certificate is only valid if the business has followed the Town of Great Barrington Zoning Bylaws. It is the responsibility of the business owner to be sure that the business meets all the qualifications as required by law.

It is the responsibility of the person who has filed such a certificate, upon his discontinuing such business or changing location, to file a statement in the office of the Town Clerk and pay the fee per Mass General Law, C. 110, §5.

I have read the above statement and understand the terms of the Business Certificate provided to me by the Town clerk's Office.

FULL NAME

Carla Blades
Adam Medina

**Residence Street Address
and Mailing Address**

37 High St GBMA 01230
22 High St GBMA 01230

SIGNED:

CAJ

Phone#: 413-329-0952



THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF GREAT BARRINGTON
BERKSHIRE COUNTY
BUSINESS CERTIFICATE
2017

Date: APRIL 11, 2017

Personally appeared before me,

CARLA BLADES

DBA: BOTANICA

And made an oath that the foregoing statement is true:

A certificate issued in accordance with this section shall be in force and effect for four years from the date of issue and shall be renewed each four years thereafter so long as such business shall be conducted and shall lapse and be void unless so renewed.

Expiration Date: APRIL 11, 2021

Marie J. Ryan, cmc/cmme
Town Clerk

SP # 875-17

NOTICE OF PUBLIC HEARING

The Great Barrington Selectboard will hold a public hearing on Monday, September 25, 2017, at 7:00 PM, at Town Hall, 334 Main Street, 2nd Floor, Great Barrington, to act on the special permit application of Timeless Auto Sales, LLC, to permit a motor vehicle salesroom including used car lot at 109 Stockbridge Road, Great Barrington, in accordance with Sections 3.1.4 C (16) and 10.4 of the Zoning Bylaw. The Applicant seeks to operate on a portion of the premises, both utilizing office space in a portion of the existing building and parking cars for sale in 14 spaces of the existing parking lot.

Sean Stanton, Chair

Please Publish Friday, September 1, 2017 and Friday, September 8, 2017

Berkshire Record

S.Bd.

TOWN OF GREAT BARRINGTON
Application for a Special Permit
to the Board of Selectmen or Planning Board

FORM SP-1
REV. 11-2013

FOR OFFICE USE ONLY

Number Assigned 875-17 Date Received 8/17/17
Special Permit Granting Authority S/B
Copy to Recommending Boards 8/17
Advised 9/1 & 9/8
Public Hearing 9/25/17
Fee: \$150.00 Paid:

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

MAP 12 LOT 41 BOOK 1845 PAGE 80 ZONING DISTRICT(s) B-2

Site Address: 109 Stockbridge Road, Great Barrington, MA

Date of Application August 11, 2017

Applicant's name and complete mailing address Timeless Auto Sales, LLC
4 Holmes Road, Lenox, MA 01240

Applicant's phone number (413) 499-6000 Applicant's email address: info@timelessautosales.net

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

Hankey O'Rourke Enterprises, LLC
315 State Road, Great Barrington, MA

I (we) request a Special Permit for: Motor vehicle salesroom, including used car lot.

Under Section(s) 3.1.4C(16) and 10.4 of the Great Barrington Zoning Bylaws.

APPLICANTS MUST READ AND COMPLY WITH THE FOLLOWING:

One Signed Original application with each of the items below, as applicable, and fourteen (14) exact copies of the entire application package are to be submitted. Applications must include:


1. Completed application form, including signatures.
2. Brief written description of how the project is in harmony with the Great Barrington Master Plan. (Copies of the Master Plan are available for free download from the Town website. Hard copies can be read at the Clerk's office or the Town libraries.)
3. Site Plan, drawn to scale, applicable to the site and the proposed use of said site for which this special permit is requested.
4. Any other specifications necessary to further describe the site or proposed use for which a special permit is requested. At least one copy of any maps being submitted shall be no larger than 11" X 17". Plans should show all existing and proposed structures, property lines and dimensions, driveways, walkways and parking areas. All proposed landscaping, parking, loading, and similar improvements must be in compliance with the applicable sections of the Zoning Bylaw.
5. Certified list of abutters within 300' on the Assessors Maps to the subject property, including map and lot number. List must be obtained from the Assessors' Office.

TOWN CLERK
GREAT BARRINGTON
AUG 17 2017 4:58

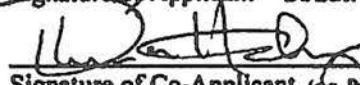
- 6. Zoning Map designating the zoning district(s) and location for the area for which a special permit is requested, plus a USGS map enlarged and showing the site location within the Town.
- 7. Drainage Plan indicating the destination of all runoff from the property. In the event of substantial increase in impervious surfaces, the SPGA may require calculations or expert analysis of the plan.
- 8. Landscaping Plan drawn to scale and showing existing and proposed landscaping.
- 9. If applicant and owner are different, a letter signed by the owner of the property authorizing the applicant to apply for the special permit.

SPECIFICS:

- 1. All site plans and specifications must be signed and dated by the preparer.
- 2. ALL OWNERS of property must also sign the application.
- 3. A copy of special permit procedures is available upon request.
- 4. Fee for application is \$150.00 to cover the cost of the public hearing notices in the newspaper and notification to parties in interest. If the cost exceeds \$150.00, the applicant shall pay the balance due upon notification from the Granting Authority.
- 5. Once all the necessary papers, maps, etc. are compiled into the required Original and Fourteen sets, call the Town Planner's office at 413-528-1619 ext. 7 to arrange an appointment to file your application. The application will be reviewed for completeness and a date for a public hearing before the Board of Selectmen or Planning Board will be scheduled. Meetings of recommending boards (e.g. Planning Board, Conservation Commission and Board of Health) will also be arranged at this time.



 Signature of Applicant Brian J. Donovan, Manager




 Signature of Co-Applicant (e.g. Property Owner, if different)
 Thomas M. Hankey, Manager

PLEASE READ AND SIGN BELOW

ALL COSTS INCURRED BY THE TOWN FOR THE EMPLOYMENT OF EXPERTS OR CONSULTANTS REQUIRED BY ANY TOWN BOARD, AND APPROVED BY THE BOARD OF SELECTMEN, FOR THE PURPOSE OF ANALYZING OR EVALUATING ANY PROJECT THAT IS A SUBJECT OF A SPECIAL PERMIT APPLICATION SHALL BE ASSESSED TO THE APPLICANT AND SHALL CONSTITUTE PART OF THE APPLICATION FEE. A COPY OF THIS REGULATION SHALL BE PROVIDED TO THE APPLICANT IF REQUESTED.

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

Signature 
 Brian J. Donovan, Manager

Signature of Co-Applicant (e.g. Property Owner) 
 Thomas M. Hankey, Manager

Date August 11, 2017



TOWN OF GREAT BARRINGTON
MASSACHUSETTS

PLANNING BOARD

September 17, 2017

Selectboard
Town of Great Barrington
334 Main Street
Great Barrington, MA

RE: Special Permit
Timeless Auto Sales, LLC

Dear Members of the Selectboard;

At its meeting of September 14, 2017, the Planning Board reviewed the special permit application submitted on behalf of Timeless Auto Sales, LLC for a motor vehicle salesroom and used car lot at 109 Stockbridge Road. The Planning Board voted to send a favorable recommendation on the application that includes the use of fourteen (14) parking spaces in the existing parking lot.

The Board recommends that the Selectboard review the parking needs of the four (4) businesses on the site. It should be determined if the parking is adequate for the businesses including traffic safety and loading requirements.

The Board agreed that Timeless Auto Sales, LLC will be a positive addition to the Town.

Thank you for the opportunity to comment.

Sincerely,

Kimberly L. Shaw
Planning Board Secretary

Cc: Chris Rembold, Town Planner

Shepley Evans
Conservation Agent

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



Town Hall, 334 Main Street
Great Barrington, MA 01230

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

TOWN OF GREAT BARRINGTON MASSACHUSETTS

CONSERVATION COMMISSION

August 23, 2017

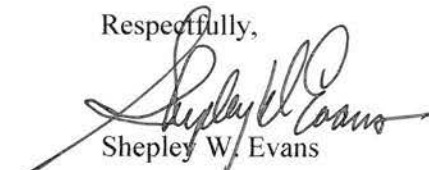
The Selectboard
Town of Great Barrington
334 Main Street
Great Barrington, MA 01230

Re: Special Permit # 875-17 application of Timeless Auto Sales, LLC
to establish and operate a motor vehicle salesroom and used car lot
at 109 Stockbridge Road, in accordance with Sections 3.1.4 C(16)
and 10.4 of the Zoning Bylaw.

The Conservation Commission has reviewed the applicant's submission and has examined the Mass GIS wetlands and associated datalayers covering the subject property and surroundings. On August 21, 2017, the Commission also conducted a brief site visit at 109 Stockbridge Road.

The Commission has found no wetland jurisdictional issues with the proposed salesroom and used car lot as presented, and has voted to offer no further comment or recommendation on this matter.

Respectfully,



Shepley W. Evans
Conservation Agent

Michael Lanoue, Chair
Peter Stanton, Vice Chair
Ruby Chang, M.D.
www.townofgb.org



Town Hall, 334 Main Street
Great Barrington, MA 01230

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

TOWN OF GREAT BARRINGTON MASSACHUSETTS

BOARD OF HEALTH

September 13, 2017

Special Permit #875-17 Timeless Auto Sales, LLC, application to the Selectboard to permit a motor vehicle salesroom including used car lot at 109 Stockbridge Road, Great Barrington, in accordance with Sections 3.1.4 C(16) and 10.4 of the Zoning Bylaw. The Applicant seeks to operate on a portion of the premises, utilizing office space in a portion of the existing building and parking cars for sale in the 14 spaces of the existing parking lot.

Dear Selectboard,

The Board of Health reviewed the proposed project for 109 Stockbridge Road at the last meeting on September 7, 2017. The Board voted to pass the Special Permit #875-17 on to the Selectboard without comment or recommendation; they found the project to pose no health risks.

MOTION: Peter Stanton moved to pass the special permit on to the Selectboard without comment.

SECOND: Ruby Chang

VOTE: 3-0

Sincerely,
Rebecca Jurczyk
Health Department

ADDENDUM TO SPECIAL PERMIT PETITION

**Timeless Auto Sales, LLC, Applicant
109 Stockbridge Road, Great Barrington, Massachusetts**

The Applicant is a subtenant of the owner, Hankey O'Rourke Enterprises, LLC, under a lease with Cove Bowling and Entertainment LLC. The property consists of a commercial building, containing, according to the assessors records, 26,012 square feet located on 3.69 acres of land located in the B-2 zone with approximately 272 feet of frontage on Old Stockbridge. Currently the premises are occupied by the Cove Bowling Lanes with parking for patrons in the front, side and rear of the building. The Applicant proposes to lease a small office within the commercial building and park cars for sale in 14 parking spaces as shown on the "Special Permit Site Plan Prepared for Timeless Auto Sales, LLC by Kelly, Granger, Parsons and Associates" dated July – 2017. The property will be used the sale of vehicles only. There will be no service or repair work performed on the premises. See letter from Brian J Donovan, Manager of Timeless Auto Sales, LLC attached as Exhibit A. The premises are located in the "commercial strips" as described in the Community Master Plan dated October 10, 2013 and shown on the "Vision Map 1: Land-Use" on page 6, which describes the area as "...thriving businesses and safe, attractive roads..." One of the economic goals of the Community Master Plan is in the recognition that "Smart growth will come from an economic climate in which existing businesses want to stay and new businesses want to locate."

There are several businesses with ample parking spaces for customers located along this area of Route 7. The granting of a special permit for “motor vehicle sales rooms, including used-car lots” with parking for only 14 cars at this location is in harmony with the Great Barrington Master plan in that it supports the core initiatives described on page 5 of the Community Master Plan to , “...promote economic development appropriately scaled the town...” and “...balances economic development among a variety of commercial activities that serves the needs of all sectors of the economy...”

Section 10.4.2 of the Great Barrington Zoning Bylaw entitled “Criteria” requires a determination “... That the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and the proposal in relation to that site.”

The following criteria demonstrate that the special permit should be granted:

1. The social, economic, or community needs served by the proposal are:

Great Barrington has only one other used car dealership. The applicant proposes to provide quality used cars sales for the thriving Great Barrington area. The price of new cars has become unattainable for most consumers. The sales of used cars provides a valuable service.

2. Traffic flow and safety, including parking and loading: Route 7, a.k.a. Stockbridge Road, is the major thoroughfare through Great Barrington and is designed for traffic flow and

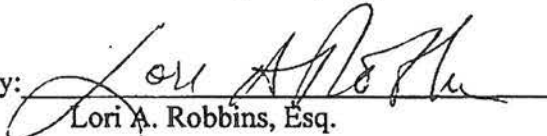
Timeless Auto Sales, LLC.

Addendum – Special Permit-for motor vehicle sales room, including used-car lot - 2017

safety. The existing commercial use, Cove Bowling Lane, has 100 parking spaces, more than adequate parking for its use. The existing parking lot has been used by customers on the premises for decades without incident. The designation of 14 parking spaces for the Applicant will not change the traffic flow, safety, parking or loading activities on the premises.

3. Adequacy of utilities or other public services: The property is serviced by Town Water and Sewer. A small sales office and use of 14 parking spaces will not affect the current utilities servicing the property.
4. Neighborhood character and social structure: the neighborhood character is almost exclusively commercial in nature. The proposed mixed use is in character with the other commercial uses along the road.
5. Impact on the natural environment: The 14 spaces designated for sales of cars is in a parking lot that has been used for parking for more than 50 years, so there will be no change to the impact on the natural environment.
6. The potential financial impact on town services, tax base or employment:
The sale of used cars provides a valuable service to the town and will increase the tax base and employment opportunities for Great Barrington residents.

Timeless Auto Sales, LLC, Applicant

By: 
Lori A. Robbins, Esq.



Fine Automobile Service & Restoration
Jaguar Specialists
4 Holmes Road
Lenox, MA 01240
Tel: (413) 499-6000/Fax: (413) 499-6699
www.donovanmotorcars.com

EXHIBIT "A"

May 9, 2017

Town of Great Barrington
Great Barrington, MA 01230

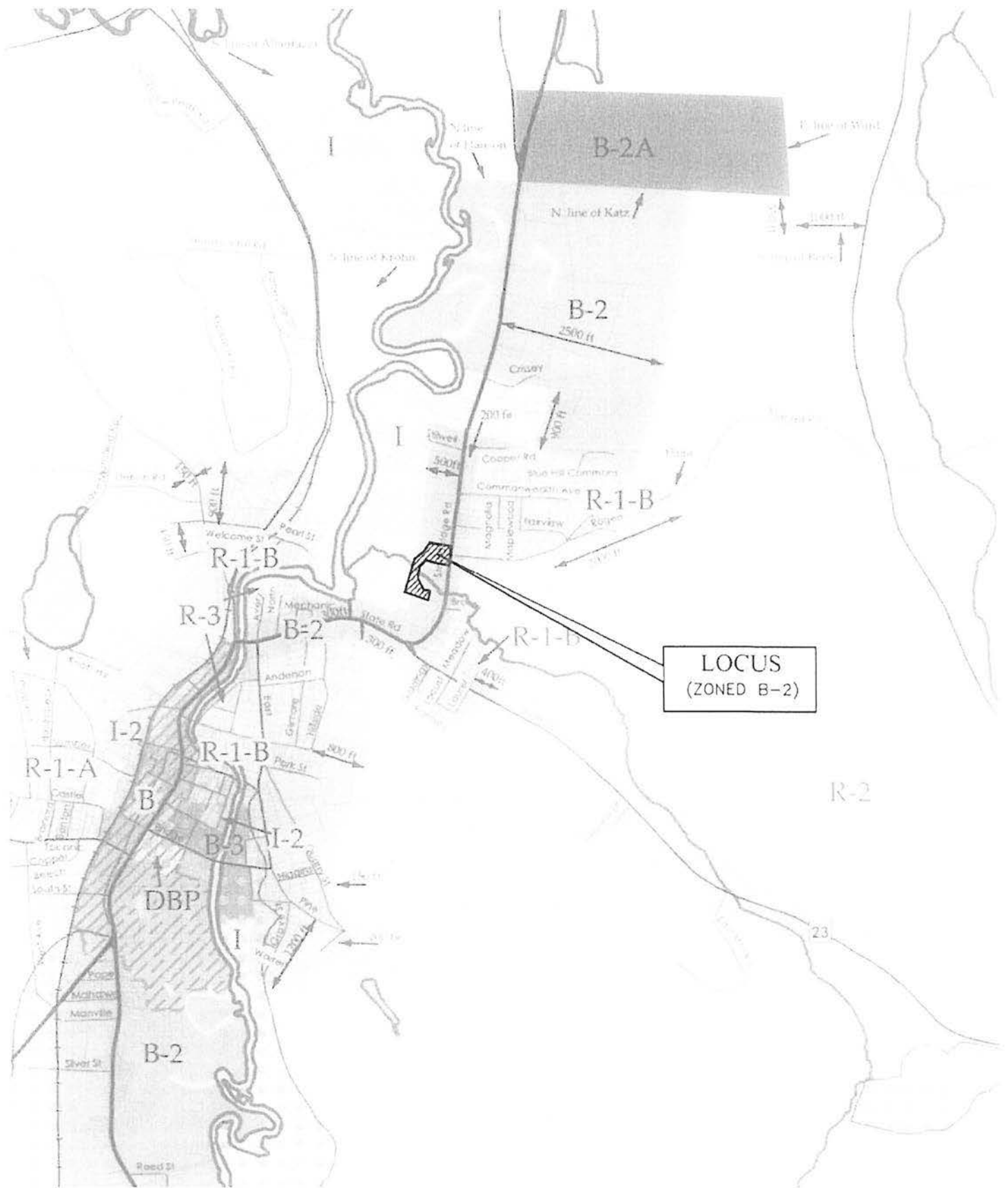
To Whom It May Concern:

This is to inform you that any Timeless Auto Sales service and repair work will be performed strictly by Donovan Motorcar Service located in Lenox, Massachusetts.

If you have any questions, please feel free to contact me.

Sincerely,

Brian J. Donovan





LOCUS
(ZONED B-2)

Christian Hill

Substa

Belcher Square

Great Barrington

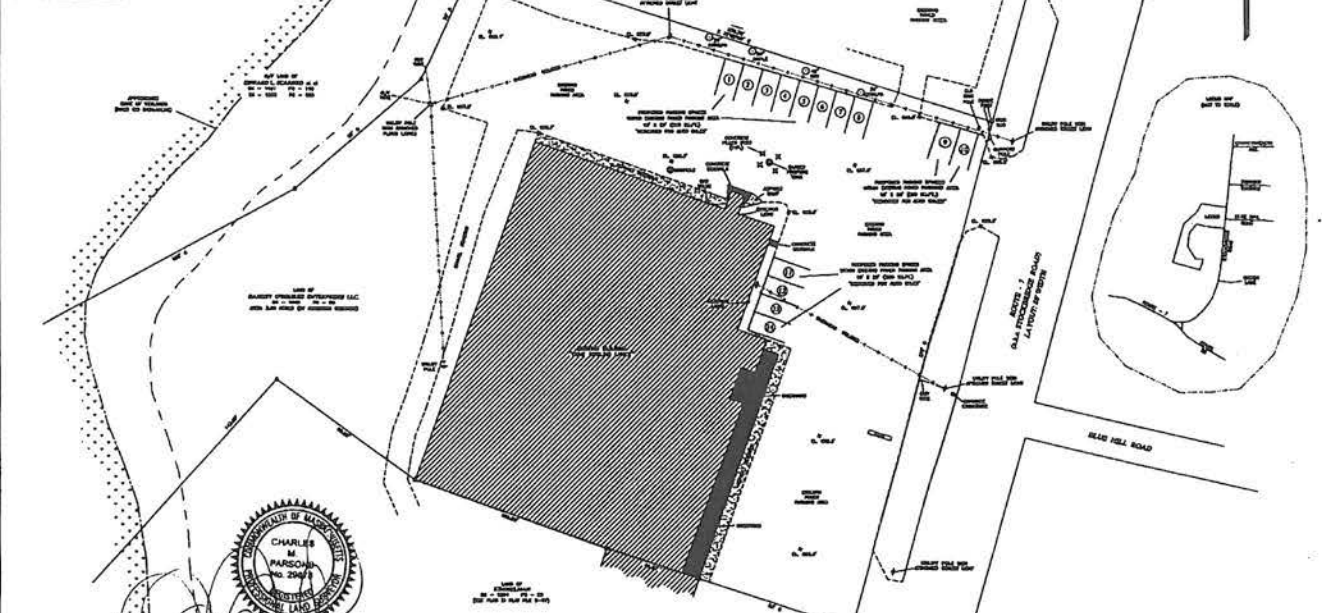
EAST MOUNTAIN
STATE FOREST



OCEAN BARRINGTON
12

THE SCALE OF THIS PLAN IS AS SHOWN ON THE TITLE SHEET. THE SCALE OF THIS PLAN IS AS SHOWN ON THE TITLE SHEET. THE SCALE OF THIS PLAN IS AS SHOWN ON THE TITLE SHEET.

SEWERING DISTRICTS IN-4
 THESE DISTRICTS ARE:
 1. THE WEST SIDE DISTRICT
 2. THE EAST SIDE DISTRICT
 3. THE NORTH SIDE DISTRICT
 4. THE SOUTH SIDE DISTRICT



[Handwritten Signature]



Scale 1" = 20'

SPECIAL PERMIT SITE PLAN PREPARED FOR
 TIMELESS AUTO SALES, LLC
 GREAT BARRINGTON, MASSACHUSETTS
 JULY - 2017 SCALE 1" = 20'
 KELLY, GRANTZ, PARSONS & ASSOCIATES, INC.
 REGISTERED LAND SURVEYORS
 200 WEST STREET - 2ND FLOOR
 GREAT BARRINGTON, MASSACHUSETTS 01930
 TEL: 413-538-7700 FAX: 413-538-7701
 WWW.KGPAS.COM

Bruce Finger, Assessor
John Katz, Assessor
Christopher J. Lamarre, MAA
Principal Assessor

E-mail: 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

ASSESSORS' OFFICE

August 16, 2017

ABUTTERS TO PROPERTY OF: HANKEY OROURKE ENTERPRISES LLC
109 Stockbridge Road, Map 12 Lot 41, Book 1845 Page 80

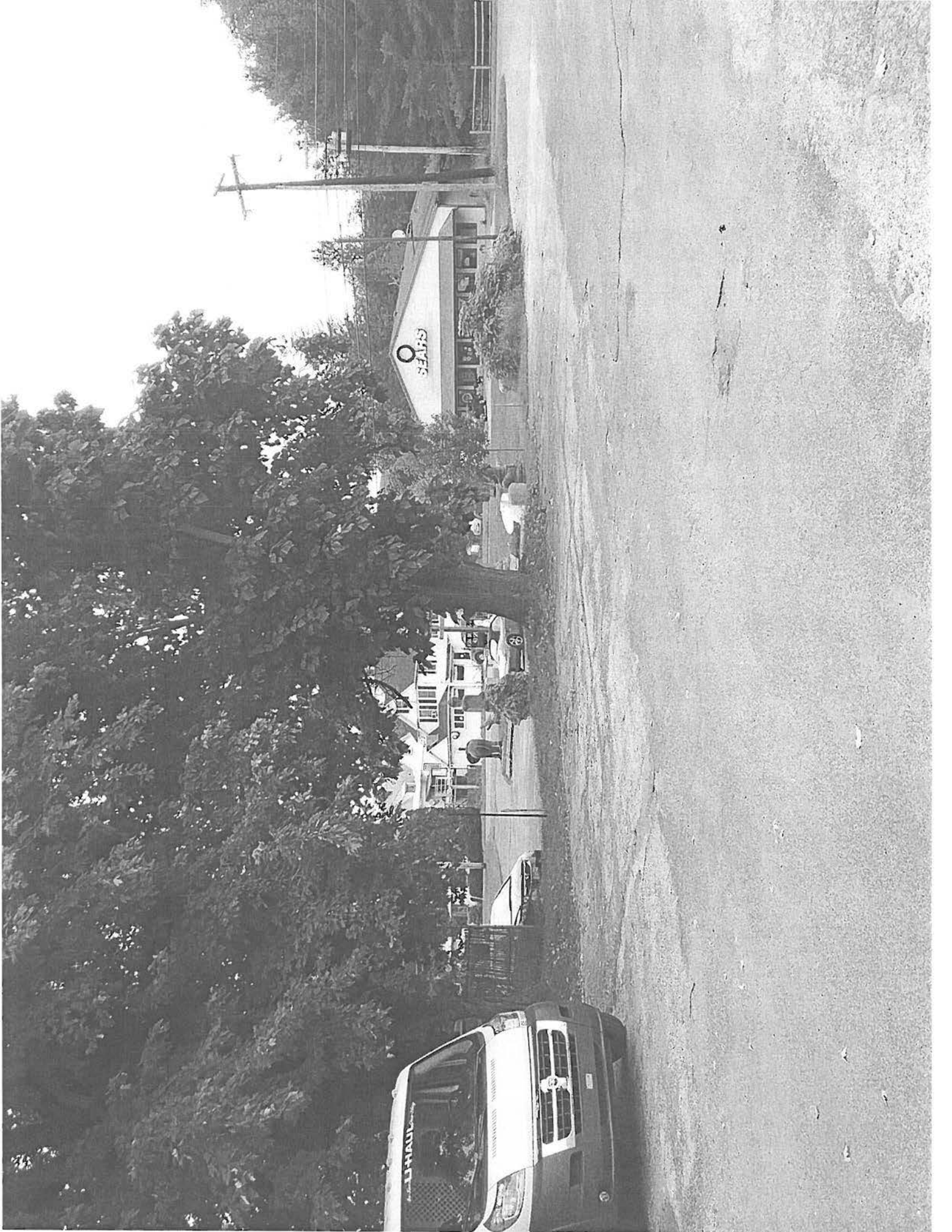
<u>MAP</u>	<u>LOT</u>	<u>ABUTTER</u>
12	41A	Harvey & Vivian Kimmelman, 107 Stockbridge Rd., Gt. Barrington, MA 01230-1227
8	19	Charles J. French Sr., Mary A. French & Stephen French, Trustees, French Family Nominee Trust, 227 Stockbridge Rd., Gt. Barrington, MA 01230-2212
12	49	Lawrence G. Steinberg, 72 Stockbridge Rd., Gt. Barrington, MA 01230-1228
12	4,2,37	CEGAM LLC, 17 th The Avenue, Gt. Barrington, MA 01230-9050
12	41B	M Callahan Inc., 117 Union St., Pittsfield, MA 01201-4574
12	42	Glassman-Yu Corp., 105 Stockbridge Rd., Gt. Barrington, MA 01230-1227
12	39	Barong Imports Inc., 199 Stockbridge Rd., Gt. Barrington, MA 01230-1227
12	43B,43	Brothers G & B LLC, 100 Stockbridge Rd., Gt. Barrington, MA 01230-1230
12	43A	Four Brothers Pizza Inc., 100 Stockbridge Rd., Gt. Barrington, MA 01230-1230
12	38	Marilyn A. Avratin, 226 Stockbridge Rd., Gt. Barrington, MA 01230-1232
8	19A	O'Connell Oil Associates Inc., 545 Merrill Rd., Pittsfield, MA 01201-3722
12	40	Estate of Josephine Ely & Randall Ely et al, c/o Edward Scarbro PO Box 115, Gt. Barrington, MA 01230-0115
12	1,3	232 Stockbridge Road LLC, 232 Stockbridge Rd. #1, Gt. Barrington, MA 01230-1348
12	46	Town of Great Barrington, 334 Main St. Rm 208, Gt. Barrington, MA 01230-1832
12	83	Inhabitants of The Town of Great Barrington, 334 Main St. Rm 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





SEARS

ALPHA



U-HAUL
\$19.95
Per Day
Includes
Insurance
and
Taxes

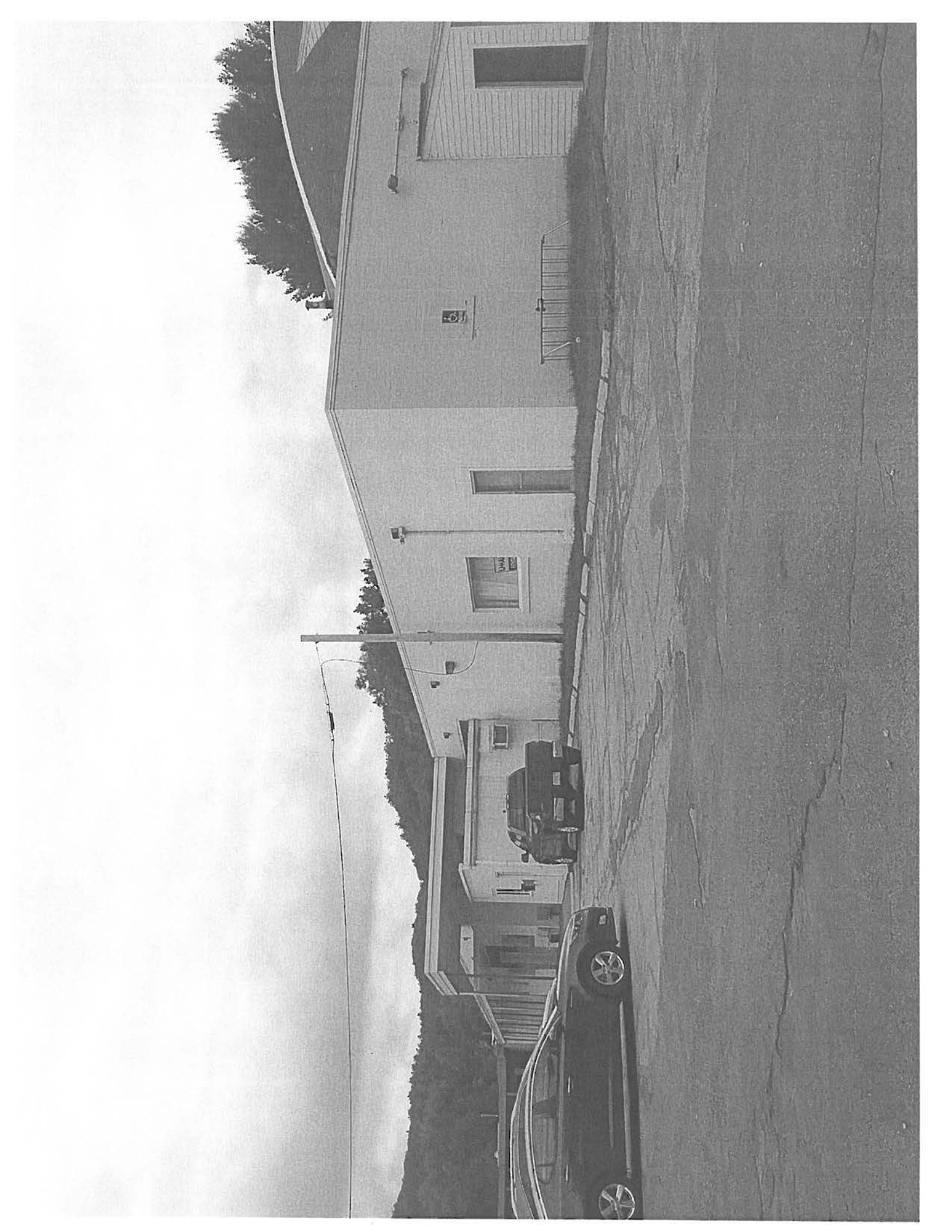
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ed Map

escription for your map.

Legend

- Feature 1
- Official A



Mapper: Great Barrington, MA

at Barrington Web Site



Available Data

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- Layers for
- Assessors I
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- Conservati
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- Municipal
- Water Rel.

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MASS
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MAPPER

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47° 42' 34" N 100° 14' 50" W
Google 2014-2015 © Imagery

Basemap



3 (Fee: \$25.00 (per day)) = \$75
paid P

RECEIVED
TOWN MANAGER

SEP 14 2017

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

APPLICATION FOR ONE DAY LIQUOR LICENSE

TO THE LICENSING AUTHORITY:

The undersigned hereby applies for a License in accordance with the provisions relating thereto:

Applicant's Name: George Laye

Organization Name: The Guthrie Center

Applicant's Address: 2 Van Deusenville Road Gt Barrington, MA 01230

Telephone Number: 413 528 1955

Type of License: ONE DAY BEER & WINE ONE DAY ALL ALCOHOLIC
(Circle one)

Event: Concerts

Date: 10/6 #10/7 # 11/19 Start Time: 6 pm End Time: 12 pm

Event Address: 2 Van Deusenville Rd Gt Barrington, MA 01230

Is the Event on Town property? YES **NO**

PLEASE ATTACH THE FOLLOWING TO YOUR APPLICATION:

- 010 ✓ 1. TIPS or ServSafe Alcohol certification for anyone serving alcohol.
- 011 ✓ 2. Certificate of Insurance showing proof of Liquor Liability coverage.
(If the event is on Town property, the certificate must name the Town of Great Barrington as additional insured.)
- 11/18 3. If the event is not on applicant's property, a letter of permission from the owner is required.

Liability: The below individual agrees to take responsibility for the above-noted event and further agrees to indemnify, save harmless, and defend the Town of Great Barrington, its officers, employees and agents, from and against any and all liabilities, claims, penalties, forfeitures, suits, and the costs and expenses incident thereto, which may occur in connection with this event.

Signature of Applicant

9/14/17
Date

FOR TOWN USE:

Approved _____

Denied _____

Postponed _____

EXECUTIVE SUMMARY

TITLE: Lake Mansfield Boat Launch, Land Management Agreement

BACKGROUND: Improvements to the boat launch are recommended by the Comprehensive Improvement Plan for Lake Mansfield, approved last September by the Selectboard. The conceptual plans call for up to six parking spaces at the boat launch, and for the launch to remain a car-top / carry-in facility for non-fuel engine boats. The Comprehensive Improvement Plan also identified the Massachusetts Department of Fish and Game (Mass DFG), Office of Fishing and Boating Access, as a potential funding partner for these improvements.

In return for Mass DFG funding the boat launch design, permitting, eventual construction, the Selectboard must enter into a "land management agreement" with Mass DFG. In essence, the agreement requires that in return for Mass DFG building the facility, the Town cannot restrict access to the facility. The general public must always have access to it, unless the State grants some exception. As this is already the policy at Lake Mansfield, this should not present an issue for the Town.

A draft agreement has been developed, based Mass DFG's standard language, and is presented here for the Selectboard.

The Lake Mansfield Improvement Task Force has discussed these potential improvements with Mass DFG for several years. At its last meeting the Task Force agreed to forward the draft agreement to the Selectboard for approval.


RECOMMENDATION: The Selectboard vote to sign the Land Management Agreement with Mass DFG for the Lake Mansfield Boat Launch improvements.

PREPARED BY:


Town Planner

DATE: 9/22/17

APPROVED BY:


Town Manager

DATE: 9/22/17

LAND MANAGEMENT AGREEMENT

THIS LAND MANAGEMENT AGREEMENT ("Agreement") is entered into pursuant to the authority of G.L. c.21A, §2(8) and §11B, on this _____ day of _____, **20**____, by and between the Department of Fish and Game ("Department") and the Town/City of **GREAT BARRINGTON**, acting by and through its Board of Selectmen/Aldermen and/or Mayor ("Municipality").

IN CONSIDERATION of the construction, improvement or repair, maintenance and daily operation of the fishing and/or boating access facility located at:

LAKE MANSFIELD involving a new Cartop Boat Access sited on Town property with associated parking for a minimum Six (6) Vehicles with Cartop Boats located off Lake

Mansfield Road ("facility"), and in consideration of the mutual covenants contained herein, and for other good and valuable consideration with regard to the facility, the Department and the Municipality covenant and agree as follows:

1. The Department shall undertake any repairs, replacement or reconstruction made reasonably necessary by the effects of weather or normal public usage. The timing of said repairs, construction or reconstruction shall be dependent upon budget restrictions and the appropriation of adequate funds by the Massachusetts Legislature.

2. The Department shall provide the Municipality with a sign or signs which contain the provisions of 320 CMR 2.00, regulations governing the use of public access facilities, and a statement that the facility was constructed by the Department of Fish and Game, Office of Fishing and Boating Access.

3. The Municipality shall install and maintain the sign or signs provided pursuant to section 2 of this Agreement in a prominent and visible location at the facility.

Boat Launch

4. The Municipality shall be responsible for the daily operation and maintenance of the facility including, but not limited to policing, trash and litter removal, and the overall preservation of the facility for use by the general public in accordance with G.L. c.131, §45.
5. The Municipality shall not use or permit to be used any parking spaces or open areas within the facility for purposes other than public access, or for purposes that are inconsistent with the provisions of 320 CMR 2.00 et. seq. without the written permission of the Department except that:
 - (a) Fees charged by the Municipality for launching and parking shall be the same for all citizens, and for each type of usage, except as otherwise provided for in §6(b) and 6(c) of this Agreement.
 - (b) Fees for out-of-state users may be no more than three (3) times the fee for in-state users for daily or seasonal use, unless federal monies were used in, or reimbursed for the construction or repair of said facility, in which case the fee shall be the same for all users.
 - (c) A separate fee for commercial haulers may be adopted by the Municipality for daily or seasonal use.
6. Subject to the prior written approval of the Department, the Municipality may adopt a fee schedule and method of collecting such fees for the use of the facility.
7. All fees collected by the municipality shall be used exclusively for the daily operation and maintenance of the facility. Upon request, the Municipality shall provide the Department with a certified accounting of the receipts and expenditures of all such fees.
8. Subject to the prior written approval of the Department, the Municipality may adopt reasonable management measures governing the use of the facility that are not inconsistent with

Boat Launch

the provisions of 320 CMR 2.00 et. seq., or other applicable management measures as adopted by the Department.

9. The Municipality agrees to provide a minimum of Six (6) single (cartop) spaces at a mutually agreeable location on the site.

10. The Municipality agrees that Lake Mansfield shall remain open to fishing and boating in an equal manner for all users.

11. It is the intention of the Department and the Municipality that this Agreement provide for the continued existence, preservation, operation and maintenance of the facility, and that such benefit exceeds to an immeasurable and unascertainable extent any consideration recited in this agreement. Therefore, the parties agree that any payment of monies would be an inadequate remedy for a breach by either party to this agreement, and said parties further agree that as an alternative or an additional remedy, specific performance of any covenant contained herein may be enforced against the breaching party.

12. This Agreement shall be in effect until mutually dissolved or modified in writing by the Department and the Municipality.

IN WITNESSES WHEREOF, the parties hereto have executed this Agreement on this _____ day of _____, 20____,

BY THE DEPARTMENT OF FISH AND GAME

Ronald S. Amidon, Commissioner

John P. Sheppard
Director of Fishing and Boating Access

BY THE MUNICIPALITY

Board of Selectmen/Aldermen and/or Mayor

I, _____, Clerk of the Municipality, hereby certify that the above named individual(s) currently hold(s) the office of _____, and is/are authorized to sign this Agreement on behalf of the Municipality.

TOWN/CITY SEAL

Amy Pulver

From: Marie Ryan
Sent: Tuesday, August 29, 2017 3:42 PM
To: Helen Kuziemko; Amy Pulver; Jennifer Tabakin
Subject: FW: Complaint regarding Great Barrington Selectboard's executive session
Attachments: SB August 28, 2017 Meeting Agenda (2).pdf

From: Eileen Mooney [<mailto:thenewsltr@gmail.com>]
Sent: Tuesday, August 29, 2017 3:20 PM
To: Marie Ryan
Subject: Fwd: Complaint regarding Great Barrington Selectboard's executive session

This is an Open Meeting Law complaint regarding an executive session held by the Great Barrington Selectboard.

The Selectboard went into executive session Aug. 28 as part of its regular session agenda. The reason given was "MGL c. 30A, sec. 21 (a) (3) to discuss legal strategy pertaining to wipes."

Participating in the executive session were selectmen Sean Stanton, Steve Bannon, Dan Bailly and Ed Abrahams (Bill Cooke was not present); town manager Jennifer Tabakin; Ira Kaplan, the town's unpaid lawyer looking into possible lawsuits against manufacturers of "disposable wipes"; two representatives of Robbins Geller Rudman & Dowd LLP; and the board's recording secretary.

According to the agenda, the Selectboard **after** the executive session was to vote to appoint the firm of Robbins Geller Rudman & Dowd and to draft a retainer agreement. I have attached a copy of the agenda.

When the Selectboard reconvened, the selectmen agreed to put the matter on the agenda for its next regular meeting, scheduled for Sept. 11 at 7 p.m. in the Town Hall.

The Selectboard has not discussed, agreed to or filed such litigation. Litigation against legal wipes was mentioned first at a Selectboard meeting when representatives of the town's sewer treatment plant presented the problem

such
wipes are causing and it was noted, in very general terms, that lawsuits are being filed against such companies. At a subsequent meeting, Mr. Kaplan suggested he be retained to look into such lawsuits and the Selectboard agreed to retain him to do this at no cost to the town.

I note that according to Open Meeting Law guidelines, "...

Discussions relating to potential litigation are not covered by this exemption unless that litigation is clearly and imminently threatened or otherwise demonstrably likely" and "For the reasons discussed above, a public body's discussions with its counsel do not automatically fall under this or any other purpose for holding an executive session."

The session appears to have been an interview with Robbins Geller Rudman & Dowd, not a discussion about strategy.

When the Selectboard, in the regular public session, voted to go into executive session, THE NEWSletter questioned its compliance with the state's Open Meeting Law. Mr. Kaplan said legal strategy might be discussed.

I ask the Attorney General to determine the legality of the executive discussion of Aug. 28.

I also request a copy of the minutes of that executive session.

Eileen Mooney

Editor and Publisher

THE NEWSletter

Post Office Box 567

Housatonic, Mass. 012136

My telephone number is 413-274-6100.

Jennifer Tabakin
Town Manager

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



Town Hall, 334 Main Street
Great Barrington, MA 01230

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

TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER SELECTBOARD'S MEETING AGENDA

MONDAY, AUGUST 28, 2017

7:00 PM – REGULAR SESSION

TOWN HALL, 334 MAIN STREET

ORDER OF AGENDA

TOWN CLERK

GREAT BARRINGTON

AUG 24 2017 4:42

7:00 PM - OPEN MEETING

1. CALL TO ORDER

2. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

- A. General Comments by the Board.
- B. Update on the GB Affordable Housing Trust Funding.

3. TOWN MANAGER'S REPORT:

- A. Department Updates.
- B. Project Updates
- Housatonic School RFP

4. LICENSES OR PERMITS:

- A. Nicole Blum/Jonathan Carr/Carr's Ciderhouse for One Day Farmer Winery Liquor License for September 17, 2017 from 10:00 am – 4:00 pm at Berkshire Fermentation Festival at Great Barrington Fair Grounds, 659 Main Street. (Discussion/Vote)
- B. Christine Heaton/Big Elm Brewing for one Day Beer and Wine Liquor License for September 17, 2017 from 10:00 am – 4:00 pm at Berkshire Fermentation Festival at Great Barrington Fair Grounds, 659 Main Street. (Discussion/Vote)

5. NEW BUSINESS:

- A. SB - Appointment of Election Officers. (Discussion/Vote)
- B. SB - Approve Town Meeting/Election Calendar 2018. (Discussion/Vote)
- C. SB - Appointment of member to the Agricultural Commission. (Discussion/Vote)
- D. SB - Recommendation to the Town Manager of member appointment to the Historical

Commission. (Discussion/Vote)

E. Denise Allard/Colonial Power Group, Inc. - Update on Town's Municipal Aggregation.

F. Ed Abrahams/Tim Newman – GB Fiber: Options and Next Steps. (Discussion/Vote)

6. **CITIZEN SPEAK TIME:**

7. **SELECTBOARD'S TIME:**

8. **MEDIA TIME:**

9. MGL.c. 30A, sec. 21 (a) (3) to discuss legal strategy pertaining to wipes


Roll Call Vote

Reconvene into Open Session

SB – to Vote - to appoint the firm of Robbins Geller Rudman & Dowd LLP
- to draft Retainer Agreement

10. **ADJOURNMENT:**

NEXT SELECTBOARD'S MEETING: Monday, September 11, 2017, 7:00 P.M.


Jennifer Tabakin, Town Manager

Pursuant to MGL. c. 30A sec. 20 (f), after notifying the chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body, or may transmit the meeting through any medium. At the beginning of the meeting, the chair shall inform other attendees of any such recordings. Any member of the public wishing to speak at the meeting must receive permission of the chair. The listings 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.

Amy Pulver

From: Eileen Mooney <thenewsltr@gmail.com>
Sent: Monday, September 18, 2017 7:26 PM
To: Sean Stanton; Steve Bannon; Ed Abrahams; Bill Cooke; Dan Bailly; Jennifer Tabakin
Subject: OML complaint
Attachments: OML complaint re Aug. 28 2017 ex session.docx

Hi, all,

Thought you should know about this. I mailed it today to OML division.

Eileen

THE NEWSletter
Post Office Box 567
Housatonic, MA 01236

Open Meeting Law Division
Massachusetts Attorney General's Office

September 18, 2017

Hello,

This is a complaint that an executive session held Aug. 28 by the Great Barrington Selectboard was at least partially illegal under the state's Open Meeting Law.

I filed my complaint first with your office on Aug. 29 but was told to file first with the town. I did so, also on Aug. 29, with Great Barrington's designated records access officer, Marie Ryan, the town clerk.

I received later on Aug. 29 from the town manager, Jennifer Tabakin, the following email:

Eileen –

I followed up on your question you raised in the newsltr blog. The executive session was held to consider potential and likely litigation, that could result in a future court case or could result in actions to initiate a law suit. The AG's office explained that purpose #3 for an executive session -- which is to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body -- is appropriate for discussions to consider future lawsuits, joining ongoing litigation or to initiate a new law suit. A case does not need to be pending in court to evoke purpose #3. At the meeting on Monday and in previous meetings, the Selectboard and I made it clear that the Town is evaluating the possibility of joining in on current or future lawsuits pertaining to the impacts of flushing wet wipes on our sewer and wastewater infrastructure.

Jennifer Tabakin
Town Manager
Town of Great Barrington
334 Main Street
Great Barrington, MA 01230
[413-528-1619](tel:413-528-1619) x2
[413-528-2290](tel:413-528-2290) (Fax)

Copies of Ms. Tabakin's email went to Mrs. Ryan; the five selectmen; Ira Kaplan, a lawyer participating in the executive session; and Helen Kuziemko, an assistant in the town manager's/Selectboard's office.

I'm not sure what the reference is to my blog.

I do not consider Ms. Tabakin's response a satisfactory explanation for the executive session.

The agenda for the Aug. 28 meeting listed the reason for an executive session as "MGL c. 30A, sec. 21 (a) (3) to discuss legal strategy pertaining to wipes." According to the agenda, the Selectboard after the executive session was to vote to appoint the legal firm of Robbins Geller Rudman & Dowd and to draft a retainer agreement.

I have attached a copy of the agenda.

When the Selectboard, in the regular public session, voted to go into executive session, THE NEWSletter questioned its compliance with the state's Open Meeting Law. Mr. Kaplan said legal strategy might be discussed.

Participating in the executive session were selectmen Sean Stanton, Steve Bannon, Dan Bailly and Ed Abrahams (Bill Cooke was not present); town manager Jennifer Tabakin; Mr. Kaplan, the town's unpaid lawyer looking into possible lawsuits against manufacturers of "disposable wipes"; two men who, when reporters asked, were identified as being with Robbins Geller Rudman & Dowd LLP; and the board's recording secretary.

THE NEWSletter complaint against Great Barrington Selectboard, page 2

The Selectboard has not discussed in public, agreed to or filed litigation. Litigation against legal wipes was mentioned first at a Selectboard meeting when representatives of the town's sewer treatment plant presented the problem such wipes are causing and it was noted, in general terms, that lawsuits are being filed against such companies. At a subsequent meeting, Mr. Kaplan suggested he be retained to look into such lawsuits and the Selectboard agreed to retain him to do this at no cost to the town.

When the Selectboard reconvened after the Aug. 28 executive session, the selectmen agreed to put the matter of appointing Robbins Geller Rudman & Dowd on the agenda for its next regular meeting, scheduled for Sept. 11 at 7 p.m. in the Town Hall.

However, the matter was not on the agenda for that meeting. I have attached a copy of that agenda.

I note that according to Open Meeting Law guidelines, "... Discussions relating to potential litigation are not covered by this exemption unless that litigation is clearly and imminently threatened or otherwise demonstrably likely" and "For the reasons discussed above, a public body's discussions with its counsel do not automatically fall under this or any other purpose for holding an executive session."

The two representatives from Robbins Geller Rudman & Dowd could -- I feel **should** -- have been introduced in public. Their roles in the firm and the firm's participation in class-action litigation could have been explained in public -- such information is on its website. How municipalities participate -- their risks, their expenses, their potential gains -- could have been explained in public, if that was discussed in executive session.

If the law firm has started to file class-action lawsuits regarding nondisposable disposable wipes, the companies making them certainly know about such filings. Thus there seems no need for that disclosure to be in executive session. If the discussion included legal strategy regarding a specific lawsuit(s) that has not already been disclosed in legal action, the participants could have gone into executive session to discuss it, then continued the general discussion in public.

As the Open Meeting Law's introduction states, in part, "Because the democratic process depends on the public having knowledge about the considerations underlying governmental action, the Open Meeting Law requires, with some exceptions, that meetings of public bodies be open to the public. ..."

I am attaching a column I wrote about this as further articulation of why the discussion could have been in public.

I ask the Attorney General to determine the legality of the executive discussion of Aug. 28. If it is found that at least part of the session did not comply with the Open Meeting Law, I request that the Selectboard and town manager be told to attend Open Meeting Law training.

I repeat my request for a copy of the minutes of that executive session.

Eileen Mooney
Editor and Publisher
THE NEWSletter
Post Office Box 567
Housatonic, Mass. 012136
Telephone: [413-274-6100](tel:413-274-6100)

Attachments: - Agenda for Aug. 28
- Agenda for Sept. 11
- Page 1 of THE NEWSletter, Volume 27, Number 4