

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, JULY 10, 2017

6:30 PM – EXECUTIVE SESSION

REGULAR SESSION IMMEDIATELY FOLLOWING

TOWN HALL, 334 MAIN STREET

ORDER OF AGENDA

6:30 PM - OPEN MEETING

1. CALL TO ORDER

- 2. CONVENE INTO EXECUTIVE SESSION** - Town Manager's Conference Room
MGL.c. 30A, sec. 21 (a) (3) to discuss ratification of the extension of the collective bargaining agreement with AFSCME Local 204 (DPW) and AFSCME Local 204 (Libraries) and Massachusetts Coalition of Police, Local 350 (Police).
Roll Call Vote
Reconvene into Open Session
SB – to Vote on Ratification of Collective Bargaining Agreements.

3. APPROVAL OF MINUTES:

June 12, 2017 Regular Meeting.
June 26, 2017 Regular Meeting.

4. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

A. General Comments by the Board.

5. TOWN MANAGER'S REPORT:

- A. Department Updates.
- Five Town Cable Advisory Committee - Update.
- B. Project Updates.
- Fada 'N' Gourma Sister City - Update.

6. LICENSES OR PERMITS:

- A. Mark DeCelle/Great Barrington Rotary Club – Appeal of SB's Restriction of "No helicopter rides during the event" on the following licenses:
- One Day Weekday Entertainment License for August 19, 2017 from 9:00 am – 4:00 pm at Walter Koladza Airport, 70 Egremont Plain Road. (Discussion/Vote)

- One Day Sunday Entertainment License for August 20, 2017 (Rain Date) from 9:00 am – 4:00 pm at Walter Koladza Airport, 70 Egremont Plain Road (Discussion/Vote)

7. NEW BUSINESS:

- A. Parks Commission – Presentation of Bike Fix It Stand. (Discussion/Vote)
- B. SB - Recommendation to the Planning Board on Gary W. and Darra W. Happ, 154 Castle Hill Avenue on the special permit application to create a rear lot in R1A zone at 154 Castle Hill Avenue in accordance with Sections 4.3 and 10.4 of the Zoning Bylaw. (Discussion/Vote)

8. PUBLIC HEARINGS:

- A. **Continuation** - McDonald's Corporation for a special permit to modify the conditions of special permit 567-98, in order to remodel and modernize the existing restaurant at 302 Stockbridge Road, Great Barrington, in accordance with Section 10.4 of the Great Barrington Zoning Bylaw. (Discussion/Vote)
 - a. Open Public Hearing
 - b. Explanation of Project
 - c. Speak in Favor/Opposition
 - d. Motion to Close Public Hearing
 - e. Motion re: Findings
 - f. Motion re: Approval/Denial/Table
- B. **Continuation** of Berkshire Aviation Enterprises Inc. Special Permit Application for Aviation field in an R4 zone at 70 Egremont Plain Road, Great Barrington, in accordance with 3.1.4 E(1), 7.2 and 10.4 of the Great Barrington Zoning Bylaw. (Discussion/Vote)
 - a. Open Public Hearing
 - b. Explanation of Project
 - c. Speak in Favor/Opposition
 - d. Motion to Close Public Hearing
 - e. Motion re: Findings
 - f. Motion re: Approval/Denial/Table

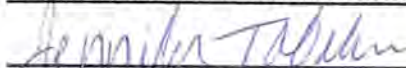
9. CITIZEN SPEAK TIME:

10. SELECTBOARD'S TIME:

11. MEDIA TIME:

12. ADJOURNMENT:

NEXT SELECTBOARD'S MEETING: Monday, July 24, 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.

Item 6A

Helen Kuziemko

From: Amy Pulver
Sent: Monday, July 03, 2017 10:58 AM
To: Helen Kuziemko
Subject: FW: Town Licesnses

Amy Pulver
Administrative Assistant
Selectboard / Town Manager's Office
Town of Great Barrington
413.528.1619
413.528.2290 fax
www.townofgb.org

From: Mark DeCelle [<mailto:mjd0366@yahoo.com>]
Sent: Friday, June 30, 2017 5:28 PM
To: Amy Pulver
Cc: Richard Stanley
Subject: Town Licesnses

Hi Amy! I know you are gone for the weekend so you can get back to me Monday. I have some questions. Our permit was issued with restrictions and I would like to appeal those restrictions. What is the process? BTW, I was told at the all department meeting that I would be notified of the Selectman meeting date but never got a notice. It may have been my bad and I am sorry that I did not attend but I don't think that was the case. They approved the license but made a restriction of no helicopters. I would like to speak to the importance of having this feature and how it adds greatly to the availability of the towns people to enjoy a once in a lifetime experience!! Also show off the lifeflight chopper that has saved many a soul in GB!! Please let me know how to proceed!! Thank you!! Mark



TOWN OF GREAT BARRINGTON
Temporary Weekday Outdoor Entertainment License

License Number:

TWO-2017-11

Fee:

\$25.00

In accordance with the provisions of Massachusetts General Laws, Ch.140 Sec.183A amended,
Ch. 351, Sec. 85 of Acts of 1981 and Ch.140 Sec.181, LICENSE is hereby granted to:

Name:

Mark DeCelle

Organization or Business Name:

Great Barrington Rotary / Bike -n-Fly

Organization Mailing Address:

PO Box 565, Great Barrington MA 01230

Event Address:

Berkshire Aviation, 70 Egremont Plain Road, Great Barrington MA 01230

to conduct the amusements as herein described:

Type(s) of Entertainment:

Exhibition – live music, recorded music, floorshow, amplification

Exact Location of Entertainment:

Great Barrington Airport, 70 Egremont Plain Road

Date(s) of Entertainment:

Saturday August 19, 2017

Times of Entertainment:

9:00am to 4:00pm

Conditions (if required):

Food is to be coordinated with the Health Agent. **No Helicopter rides during the event.**

Such LICENSE shall not be valid for any location/dates/times other than as herein described.

License granted by the SELECTBOARD:

Expiration Date:

August 20, 2017

The Selectboard reserves the right to modify or revoke this license if complaints are received by the Police Department regarding excessive noise.



~~Temporary~~ **TOWN OF GREAT BARRINGTON**
Weekday Entertainment License Application
(INDOOR ONLY)
\$25.00

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: Mark De Celle

Business/Organization: Rotary Club of GB

D/B/A (if applicable): _____

Address: _____

Mailing Address: PO Box 565, GB MA 01230

Phone Number: 413-441-5119

Email: mjd0366@yahoo.com

TYPE: (Check all that apply) Concert Dance Exhibition Cabaret DJ
 Live band with up to 5 pieces, including singers Public Show

INCLUDES: Live music Recorded music Dancing by entertainers/ performers
 Dancing by patrons Amplification system Theatrical exhibition
 Floorshow Play Moving picture show Light show Jukebox

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

RECEIVED
TOWN MANAGER

JUN 7 2017

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

Exact Location of Entertainment (include sketch): Walter Koladza
Airport 70 Egremont Plain Rd GB MA

Days of Entertainment*: August 19, 2017
***Does not include SUNDAY**

Start & End Times of Entertainment: 9 AM - 4 pm

Does your event involve any of the following? (Check all that apply)

- Food Temporary Bathrooms Tents Stages Temporary Signs
 Electrical Permits Building Permits Police Traffic Details Street Closures

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.

In the event of a change in type of entertainment or hours/days different than indicated above, a new application will be required and a new license will be issued.

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.

Mark J. O'Connell 8/7/17 _____
Signature of Individual or Date SS# or FID#
Corporate Officer

TOWN USE ONLY:

DRT Review with Conditions: Food to be coordinated with Health Agent. (CP)

APPROVAL DATE: _____ LICENSE # _____

Amy Pulver

From: Ken Krentsa <kkrentsa@gbr-airport.com>
Sent: Thursday, June 08, 2017 7:51 AM
To: Amy Pulver
Subject: Rotary event at the airport

Good morning Amy,
Mark said you need a confirmation from me for the Rotary to have their annual event at the airport. Please accept this as my formal permission for the Rotary to have their event on the grounds of the Great Barrington Airport. I believe the event will take place August 19 and 20, this year with no rain date listed. If you need more, please don't hesitate to call me or write.
Ken

--

Ken Krentsa
Airport Manager
Berkshire Aviation Enterprises
413-528-1010
kkrentsa@gbr-airport.com



TOWN OF GREAT BARRINGTON
Temporary Outdoor Sunday Public Entertainment License

License Number:
STO-2017-01

Fee:
\$5.00

This license is issued under the provisions of Chapter 136 of the Massachusetts General Laws as amended, and is subject to revocation at any time by the Selectboard.

Name:
Mark DeCelle

Organization or Business Name:
Great Barrington Rotary / Bike -n-Fly (Rain Date)

Organization or Business Address:
PO Box 565, Great Barrington MA 01230

to conduct the amusements as herein described:

Type(s) of Entertainment:
Exhibition – live music, recorded music, floorshow, amplification

Exact Location of Entertainment:
Great Barrington Airport, 70 Egremont Plain Road

Date(s) of Entertainment:
Sunday, August 20, 2017

Times of Entertainment:
9:00am to 4:00pm

Conditions (if required):
Food is to be coordinated with the Health Agent. No helicopter rides during the event.

Such LICENSE shall not be valid for any location/dates/times other than as herein described.

License granted by the SELECTBOARD

Expiration Date:
August 21, 2017

The Selectboard reserves the right to modify or revoke this license if complaints are received by the Police Department regarding excessive noise.



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

_____ **Hours of 1:00 pm-11:59 pm**
(**\$85.00**)

_____ **Hours of 9:00 am- 11:59 pm**
(**\$175.00**)

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

Name: Mark DeCelle

Business/Organization: Rotary Club of G.B.

D/B/A (if applicable): _____

Address: _____

Mailing Address: PO Box 565 GB MA

Phone Number: 413-441-5119

Email: mjd0366@yahoo

(INDOOR ENTERTAINMENT ONLY)

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

Live band with up to 5 pieces, including singers Public Show

INCLUDES: Live music Recorded music Dancing by entertainers/ performers

Dancing by patrons Amplification system Theatrical exhibition

Floorshow Play Moving picture show Light show Jukebox

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

Exact Location of Entertainment (include sketch): Koladza Airport
70 Egremont Plain Rd GB

Days of Entertainment: Sunday's 8/20/2017 (year) (rain date if needed)

Does your event involve any of the following? (Check all that apply)

- Food Temporary Bathrooms Tents Stages Temporary Signs
 Electrical Permits Building Permits Police Traffic Details Street Closures

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.

In the event of a change in type of entertainment or hours/days different than indicated above, a new application will be required and a new license will be issued.

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.

Mark DeStefano 8/7/17
Signature of Individual or Date
Corporate Officer

TOWN USE ONLY:

DRT Review with Conditions: Food to be coordinated with Health Agent (AP)

APPROVAL DATE: _____

LICENSE # _____

SUSAN M. SMITH, ESQ.

38 Mahaiwe Street, Suite 1
Great Barrington, MA 01230

Telephone: (413) 528-4300
Facsimile: (413) 528-4306

Pl. Bd. SP # 874-17

June 21, 2017

HAND DELIVERED

Christopher Rembold, Town Planner
334 Main Street
Great Barrington, MA 01230

Re: Property: 154 Castle Hill Avenue
Property Owner: Gary W. Happ and Darra Wheeler Happ
Applicant: Gary W. Happ and Darra Wheeler Happ

Dear Mr. Rembold:

This office represents Gary W. Happ and Darra Wheeler Happ in regard to their application for a Special Permit from the Planning Board (the "Applicants").

The Applicants own the property located at 154 Castle Hill Avenue and wish to form a rear lot.

The Applicants are seeking a Special Permit from the Planning Board pursuant to Sections 4.3 and 10.4 of the Great Barrington Zoning Bylaws.

Accordingly, enclosed please find one (1) original and fourteen (14) copies of the following:

1. Application for Special Permit Under Town Zoning Bylaws For Town of Great Barrington, Form SP-1 Rev. 11-2013
2. Summary of the proposed project
3. Site Plan showing all existing structure and location of proposed structure, property lines and dimensions, existing and proposed driveways, section of U.S. Geological survey map of the site and section of zoning map for the Town of Great Barrington showing locus
4. Certified List of Abutters from the Great Barrington Board of Assessors
5. Filing Fee in the amount of \$150.00

The Applicants respectfully request a waiver of the Drainage Plan and Landscaping Plan as required in Form SP-1, Rev. 11-2013. The Applicants further request a waiver of the submittal requirements of Section 10.5.3 requesting storm water drainage calculations, storm water management devices, and a traffic impact assessment.

Christopher Rembold, Town Planner
June 21, 2017
Page 2

Lastly, the Applicants request that the common driveway be approved as part of this special permit application.

Thank you for your consideration in this regard. If you should require any further information, please contact this office.

Very truly yours,



Susan M. Smith

Enclosures
cc: Gary and Darra Happ

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 _____ Date Received _____
Special Permit Granting Authority _____
Copy to Recommending Boards _____
Advertised _____ & _____
Public Hearing _____
Fee: \$150.00 Paid: _____

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

MAP 13 LOT 4 BOOK 1015 PAGE 42 ZONING DISTRICT(s) R-1-A and R-2

Site Address: 154 Castle Hill Avenue

Date of Application _____

Applicant's name and complete mailing address Gary W. Happ and Darra W. Happ

154 Castle Hill Avenue, Great Barrington, MA 01230

Applicant's phone number (413) 854-3597 Applicant's email address: _____

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

Gary W. Happ and Darra Wheeler Happ

154 Castle Hill Avenue, Great Barrington, MA

I (we) request a Special Permit for: formation/creation of a rear lot

Under Section(s) 4.3 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.

THESE PARCELS ARE SUBJECT TO AND WITH THE BENEFIT OF ALL RIGHTS, RESTRICTIONS, CONDITIONS, EASEMENTS, LEASES, ENCUMBRANCES AND APPLICANCES OF RECORD.

PLANNING BOARD ENDORSEMENT DOES NOT IMPLY COMPLIANCE WITH THE MASS WETLANDS PROTECTION ACT.

RECORD OWNER: GARY W. HAPP & DARRA W. HAPP

LOCUS DEED: BK - 1015 PG. - 45

USE UNRECORDED PLAN PREPARED BY LAKE AND SWANER INC. DATED: LANDS OF ELIZABETH DAM SWAGER, TOWN OF GREAT BARRINGTON, MASSACHUSETTS

PROPERTY ADDRESS: 154 CASTLE HILL AVENUE

TOWN ASSESSOR MAP - 11 LOT - 4

DRAINAGE CONTROL DURING THE COURSE OF THE SITE WORK IS A DROP INLET AT THE WESTERN EDGE OF THE EXISTING DRIVEWAY. A 2" PVC DRAINAGE CARRIES SURFACE WATER NORTHEAST TO DAYLIGHT JUST NORTHEAST OF THE NORTHEAST HOUSE CORNER. SURFACE WATER APPEARS TO DRAIN AWAY NATURALLY FROM THE EXISTING HOUSE ON ALL SIDES.

A REQUEST IS MADE TO WAIVE THE FOLLOWING SUBMITTAL REQUIREMENTS FROM SECTION 105.3 OF THE TOWN ZONING BYLAW:

1) STORMWATER DRAINAGE CALCULATIONS

2) ALL STORMWATER MANAGEMENT DEVICES

SEE SPECIAL PERMIT APPROVAL RECORDED IN THE SOUTHERN BERSHIRE REGISTRY OF DEEDS IN BK - PG -

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ATTORNEY'S ABSTRACT OF TITLE AND ON THE REPORT AND IS SUBJECT TO ANY STATEMENT OF FACTS SUCH AS ABSTRACT OF REPORT WOULD HAVE REVEALED. THIS PROPERTY WAS SURVEYED BY THE POSSESSION LINES FOUND AT THE TIME THE SURVEY WAS MADE.

SEE TOWN ZONING BY-LAW SECTION 4.3 REAR LOTS

REAR LOTS SHALL BE ALLOWED ONLY BY SPECIAL PERMIT OF THE PLANNING BOARD IN THE RESIDENCE DISTRICT. TO BE ELIGIBLE FOR A REAR LOT, THE ORIGINAL LOT MUST HAVE THE MINIMUM FRONTAGE REQUIRED FOR THE ZONING DISTRICT PLUS AT LEAST 40 FEET. THE REAR LOT MAY BE CREATED PROVIDED THAT ALL OF THE FOLLOWING CONDITIONS CAN BE MET FOR THE REAR LOT:

1. THE AREA OF SAID REAR LOT IS AT LEAST ONE AND ONE-HALF (150%) THE MINIMUM AREA REQUIRED IN THE DISTRICT.
 2. A BUILDING LINE IS REQUIRED FOR THE REAR AND THE WIDTH OF THE LOT AT THAT LINE EQUALS OR EXCEEDS THE NUMBER OF FEET NORMALLY REQUIRED FOR STREET FRONTAGE IN THE DISTRICT.
 3. THE WIDTH OF THE REAR LOT IS AT NO POINT LESS THAN 40 FEET, AND ITS FRONTAGE IS NOT LESS THAN 40 FEET.
 4. AT THE TIME OF THE CREATION OF THE REAR LOT IT SHALL BE HELD IN COMMON AND CONTIGUOUS OWNERSHIP WITH THE FRONT LOT.
 5. THE FRONT, REAR AND SIDE YARDS SHALL EQUAL OR EXCEED THOSE REQUIRED IN THE DISTRICT.
 6. THE REAR LOT AND ITS ADJACENT LOT SHALL SHARE A COMMON DRIVEWAY APPROVED AS PART OF THIS SPECIAL PERMIT APPLICATION.
- THIS PROPERTY IS SERVED BY TOWN WATER & SEWER.

ELEVATIONS SHOWN HERE ARE RELATIVE APPROXIMATELY TO THE NORTH AMERICAN VERTICAL DATUM OF 1989 (NAVD89).

LOT 1 43.20078 ACRES - 73.587430 (SHARED HOME DATING)

APPROX. 500 YEAR FLOODPLAIN LIMIT AS SHOWN ON MASS 015 & FEMA FIRM 250024 PANEL 722



ZONING	
DISTRICT R - 2	LOT AREA: 1 ACRE (17424 SQ. FT.) LOT WIDTH: 150 FT. MIN. FRONT YARD: 25 FT. MIN. SIDE YARD: 20 FT. MIN. REAR YARD: 30 FT. MAX. LOT COVERAGE: 10%
DISTRICT R - 1 - A	LOT AREA: 10000 SQ. FT. (0.231 ACRES) LOT WIDTH: 100 FT. MIN. FRONT YARD: 25 FT. MIN. SIDE YARD: 20 FT. MIN. REAR YARD: 30 FT. MAX. LOT COVERAGE: 20%



ZONING MAP (dated May 9, 2016)
SCALE 1"=1000'



LEGEND

- △ POINT COMPUTED
- IRON PIPE (VOID FOUND)
- IRON ROD TO BE SET
- IRON ROD (AS SHOWN ON PLAT FILE C-149)
- IRON PIPE (AS SHOWN ON UNRECORDED PLANS)
- STONE MARKS RECOVERED BY THIS OFFICE IN 1988
- UTILITY POLE
- GAS SHUT OFF VALVE
- DECIDUOUS TREE (HICKORY & APPLE)
- SPRUCE TREE
- ★ FLOOD LIGHT

SPECIAL PERMIT SURVEY PLAN PREPARED FOR
GARY W. HAPP
AND
DARRA W. HAPP
GREAT BARRINGTON, MASSACHUSETTS
MARCH - 2017 SCALE 1" = 50'
KELLY, GRANGER, PARSONS & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
312 MAIN STREET #10, BOX 66
GREAT BARRINGTON, MASSACHUSETTS 01226
TEL: (413) 538-1812 FAX: (413) 538-1811
C:\Common Projects\GREAT BARRINGTON\CASTLE HILL AVE\HAPP17.dwg

I HEREBY REPORT THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

SIGNED: _____
PROFESSIONAL LAND SURVEYOR

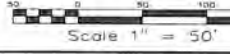
APPROVAL NOT REQUIRED UNDER THE SUBDIVISIONS CONTROL LAW

GREAT BARRINGTON PLANNING BOARD

CHAIRMAN _____

MEMBERS _____

2017



LINE	BEARING	DISTANCE
1,2	N 62°30'45" W	46.04

**GARY W. HAPP and DARRA WHEELER HAPP
SPECIAL PERMIT APPLICATION – 154 CASTLE STREET
PLANNING BOARD**

ABOUT THE PROJECT

PURPOSE OF APPLICATION

Applicant is seeking a Special Permit to form a rear lot pursuant to Section 4.3 of the Town of Great Barrington Zoning Bylaws.

The subject property is located in the Residential R-1-A and R-2 Districts. The dividing line of the zoning districts is indicated on the Site Plan filed with the application.

The rear lot is developed with the Applicants' residence. The front lot will be developed with a proposed house consisting of approximately 2,025 square feet. The location of the proposed house and building envelope are shown on the Site Plan filed with the application. The property is served by town water and sewer.

The lots, as shown on the Site Plan, meet all of the requirements of Section 4.3 of the Zoning Bylaw.

4.3.1 (1): The proposed rear lot is located in the R-2 District. The minimum lot area in R-2 is 1 acre. The proposed rear lot will consist of 1.73 acres which is at least one and one-half (150%) the minimum area required in the district:

The proposed front lot is located in the R-1-A District. The minimum lot area in R-1-A is 10,000 square feet or 0.23 acres. The proposed front lot consists of 14,657 square feet or .336 acres which is in conformance with the zoning requirements for R-1-A.

4.3.1 (2): A building currently exists on the rear lot. The width of the lot on the area where the building is located is 151.69 feet. The minimum lot width in the R-2 District is 150 feet. The rear lot exceeds the number of feet required for street frontage in the R-2 District by 1.69 feet.

The proposed front lot will have 111.85 feet of frontage. The minimum lot width in the R-1-A District is 100 feet.

4.3.1 (3): The proposed rear lot will have 40.04 feet of frontage on Castle Hill Avenue. The width of the rear lot is at no point less than 40 feet.

4.3.1 (4): At the time of this application, Applicants hold title to both the proposed rear lot and the proposed front lot in common and contiguous ownership.

4.3.1 (5): The front, rear and side yards for both the proposed rear lot and proposed front lot meet or exceed the requirements in each of their respective zoning districts.

4.3.1 (6): As shown on the Site Plan, the proposed rear lot and its parent lot shall share a common driveway. The Applicants are requesting that the common driveway be approved as a part of this special permit application.

FORM SP-1 REV. 11-2013 Requirement

Pursuant to the Great Barrington Form SP-1 application, the Applicant submits the following information:

Brief written description of how the project is in harmony with the Great Barrington Master Plan:

Response: The Master Plan specifically addresses and promotes the development of rear lots. Specifically, Strategy HO 1.4 of the Plan states:

Facilitate the development of infill and rear lots, including criteria to permit rear lots where zoning district boundaries split lots and revising minimum lot width where practical, and investigating new provisions to cluster homes, such as cottage zoning. (emphasis supplied).

The proposed project meets all the requirements of Section 4.3 and is in compliance with all remaining requirements of the Zoning Bylaw. The subject property is located in a vibrant neighborhood within walking distance to the downtown corridor. It is an ideal location for the creation of a rear lot, and is the type of project that the Master Plan encourages and endorses.

Bruce Firger, 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

June 7, 2017

ABUTTERS TO PROPERTY OF: GARY W. HAPP & DARRA WHEELER HAPP
154 Castle Hill Avenue, Map 13 Lot 4, Book 1015 Page 42

<u>MAP</u>	<u>LOT</u>	<u>ABUTTER</u>
13	5	Will B. & Karen L. Seltzer, 150 Castle Hill Ave., Gt. Barrington, MA 01230-1031
13	6	JOSSAS LLC, c/o John Smith, PO Box 33, South Egremont, MA 01258-0033
13	7	Louis J. & Marjory A. Gardella, 148 Castle Hill Ave, Gt. Barrington, MA 01230-1031
13	3	Matilda Mann, 160 Castle Hill Ave., Gt. Barrington, MA 01230-1031
13	37	George E. & Sandra M. Mayer, 39 Prospect St. Gt. Barrington, MA 01230-1036
13	34A	Jane Glaubinger, 23 Norwood Ave., Upper Montclair, NJ 07043-1921
13	41	Timothy P. Speidel & Jane E. Alsen, 147 Castle Hill Ave., Gt. Barrington, MA 01230-1006
13	38	Joseph w. Cronin, 149 Castle Hill Ave., Gt. Barrington, MA 01230-1006
13	40	Silke Aisenbrey & Debra C. Minkoff, 454 Riverside Dr. #4A, New York, NY 10027-6852
13	43,42	George L. & Priscilla J. Ball, 145 Castle Hill Ave., Gt. Barrington, MA 01230-1006
13	31	Kevin Moran, 24 Lake Ave., Gt. Barrington, MA 01230-1035
13	33A	Barbara Waller, 38 Prospect St., Gt. Barrington, MA 01230-1037
13	34	Dorothy McTeigue, 36 Prospect St., Gt. Barrington, MA 01230-1037
13	39	Sandra Hirbour, 37 Prospect St., Gt. Barrington, MA 01230-1036
13	44	Kim Deanna Gershon & Melvin Gershon, 2 Highland Dr., Gt. Barrington, MA 01230-1537
13	29	Joan Delplato, 1 Spring Meadows, South Hadley, MA 01075-1364
13	32,30	Ruth r. Shibuya, 40 Prospect St., Gt. Barrington, MA 01230-1037
32	84	David McDonald & Nina Echegaray, PO Box 383, Gt. Barrington, MA 01230-0383
32	83C,83D	Hans & Gloria Gesell, 666 Floyd St., Englewood Cliffs, NJ 07632-2050
32	83A	Y. Judd & Susan W. Shoal, 30 East Northampton St., Wilkes-Barre, PA 18701-2403

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

Sincerely,

A handwritten signature in black ink, appearing to read "Clamarre", is written over a horizontal line.

Christopher Lamarre
Principal Assessor

NOTICE OF PUBLIC HEARING

Car to July 10/17
@ 6:30 PM

The Great Barrington Selectboard will hold a public hearing on Monday, June 26, 2017, at 7:00 PM, at Town Hall, 334 Main Street, Great Barrington, to act on the special permit application from **McDonald's Corporation**, seeking to modify the conditions of special permit 567-98, in order to remodel and modernize the existing restaurant at 302 Stockbridge Road, Great Barrington, in accordance with Section 10.4 of the Great Barrington Zoning Bylaw.

Sean Stanton, Chair

Please Publish Friday, June 2, 2017 and Friday, June 9, 2017

Berkshire Record



Architects
Environmental
M/E/P
Surveyors
Engineers
Landscape Architects
Planners
Transportation/Traffic

520 Hartford Turnpike
Unit J-2
Vernon, CT 06066
Phone: 860.875.1800
Fax: 860.875.1808

May 16, 2017

Mr. Chris Rembold, AICP, Town Planner
Town Hall, Town of Great Barrington, MA
334 Main Street
Great Barrington, MA 01230

RE: Special Permit 567-98 Modification and Site Plan Application for the
Remodel of the Existing McDonalds Restaurant at 302 Stockbridge Road,
Great Barrington MA.
CPH Project No. M291380

Dear Mr. Rembold:

On behalf of McDonald's Corporation, CPH Design, Inc. is pleased to submit the attached application for the Special Permit Modification, including the othersubmittal requirements. As described in the application, the Scope of the project is to remodel and modernize the existing restaurant which is about 20 years old. The plans reflect a change to the elevations on all four sides of the building, removal of the mansard roof and will also include interior remodeling of the dining area, front counter and bathrooms, and will include upgrades to bring the site and building into full compliance with current ADA Laws. The Site Plan attached also includes minor changes to the sidewalk, curb, striping and signage for ADA compliance.

With submittal please find the following:

1. One (1) signed application for a Special Permit.
2. One (1) signed application for Site Plan review.
3. One (1) certified list of abutters in accordance with the application requirements.
4. One (1) signed and sealed copy of the full sized set of the Site Plan and 14 – 11 X 17 copies of the Site Plan.
5. One (1) signed and sealed copy of the full sized set of the building elevations and floor plans including proposed building and site signage. And 14 – 11 X 17 copies of the building and floor plans.

We look forward to presenting the updated and modernized McDonald's Corporation restaurant concept to you at the next Planning Board hearing. Please feel free to contact me or Barry S. Porter, AICP if you have any questions or need any additional information.

Sincerely,
CPH Professional Services Corp.

Alan R. Carpenter, PE
Vice President / Branch Manager

cc. Rhona Murray, ACM, McDonald's
Francis Essien, ECM, Sevan Group
William Squires, III, Esq., HinckleyAllen



Town of Great Barrington Planning Board

PB SPR 1 Rev. Aug 2011

Application to the Planning Board for Site Plan Review in accordance with Section 10.5 of the Zoning Bylaw

INSTRUCTIONS

Please fill in all applicable information on this form. If you believe any requirements should be waived, you must formally request waivers from the Board. You may download and save this form, and fill it in electronically. Save and print the form. Submit an original and seven (7) copies to the Town Planner's office along with your payment, site plan, and other required information. Call the Town Planner at (413) 528-1619 ext. 7 if you have any questions.

FOR OFFICE USE ONLY

Filing Date: _____ Decision due: _____
Number Assigned: _____ Paid? _____
[] Original and seven (7) copies received
[] Original filed with and stamped by Town Clerk
[] Copy to Town Planner
[] Six (6) copies to Planning Board

ESTIMATED TIMELINE: The Planning Board must review and act upon the site plan within 60 days of receipt of the application, unless the time limits are extended after the applicant's written request.

A. SITE LOCATION

Site Address 302 Stockbridge Road
Map 009.0 Lot 0007.0 Deed Book 1014 Deed Page 067
Zoning District B2 General Bus. Overlay District (if any)

B. APPLICANT AND PROPERTY OWNER

Applicant's Information

Name (please print) Rhona Murray, McDonald's Corporation
Street Address 690 Canton Street
City, State, Zip Code Westwood, MA 02090
Phone (area code first) (781) 329-1450 Email Address: rhona.murray@us.mcd.com
Signature [Handwritten Signature]

- [] Check here if Applicant and Property Owner are the same, and skip to step C., Description.
[X] 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. Property Owner must sign this form indicating 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) McDonald's Corporation (020-0130)
Street Address P.O. Box 182571
City, State, Zip Code Columbus, OH 43218
Phone (area code first) (781) 329-1450 Email Address: rhona.murray@us.mcd.com
Signature [Digital Signature: Rhona Murray]

C. DESCRIPTION Briefly describe your project, and indicate how it complies with the Master Plan and the Design Guidelines Workbook. If additional space is needed, please submit on additional sheet(s) as required.
"McDonald's Corporation proposes to modify and renovate certain exterior and interior aspects to the existing McDonald's restaurant as part of a companywide modernization program. These renovations are consistent with the Town of Great Barrington's Master Plan and Design Guidelines because it addresses some of the key issues identified therein, such as replacing and upgrading aging infrastructure and a dated building, adapting the site to adequately address ADA requirements and provide for necessary accommodations, and finally it is part of McDonald's countrywide plan to modernize its restaurants so it can continue to be a major contributor to Great Barrington's economic base."

- D. APPLICABILITY:** Check the reason(s) for your Application (choose all that apply)
- 1. Construction, exterior alteration or exterior expansion of, or change of use within, a municipal, institutional, commercial, industrial, or multi-family structure.
 - 2. Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial, or multi-family structure or use involving more than six spaces.
 - 3. Grading or clearing of more than 10 % of a lot or 10,000 square feet, whichever is the lesser (except as provided in 10.5.1, of the Zoning Bylaw).
 - 4. Other, as required by the Zoning Bylaw. (Please specify: Section(s) _____)

E. SPECIAL PERMITS AND OTHER REGULATIONS

- 1. Does your project require any Special Permit(s)? Yes No
If yes, have you applied for any required Special Permit(s)? Yes No If yes, SP #: 567-98
- 2. Site Plan Approval does not imply approval of any Special Permits or compliance with other regulations, including, but not limited to, the Wetlands Protection Act. Check here to acknowledge.
- 3. Does your project require filing of a Notice of Intent (NOI)? Yes No
If yes, has NOI been filed? Yes No If yes, has NOI been approved? Yes No
- 4. Does your project fall within Estimated Habitat or Priority Habitat of endangered species? Yes No
If yes, has NHESP compliance been received? Yes No

F. FEE

Check here to confirm that your check of \$75 per application is enclosed. Make checks payable to Town of Great Barrington.

G. REQUIREMENTS

- Applicant acknowledges that this application is accompanied by those items detailed in Section 10.5.3 of the Zoning Bylaw, including: (Check items 1. and 2. at a minimum. Check item 3. if it is required by the Planning Board. Check item 4 if applicable to your project.)
- 1. Plot Plan of the entire tract, signed by a licensed surveyor or engineer, and including details noted in Section 10.5.3, item #1, of the Zoning Bylaw
 - 3. Traffic impact assessment, if required, as noted in Section 10.5.3, item #3, of the Zoning Bylaw
 - 2. Signatures, letters, and fees as noted in Section 10.5.3, item #2, of the Zoning Bylaw
 - 4. If project involves construction, exterior alteration or expansion, or change of use, this application must also contain floor plans and elevations of the building

H. APPROVAL

APPLICANT SHOULD BE FAMILIAR WITH THE REQUIREMENTS OF SITE PLAN REVIEW PER SECTION 10.5 OF THE ZONING BYLAW AND SHOULD ENSURE THAT THE APPLICATION COMPLIES. FAILURE TO COMPLY MAY RESULT IN DENIAL OF THE APPLICATION. PLEASE CALL THE TOWN PLANNER IF YOU HAVE ANY QUESTIONS.
APPLICANT SHOULD BE FAMILIAR WITH THE APPROVAL CRITERIA PER SECTION 10.5.3 OF THE ZONING BYLAW.

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 _____ Date Received _____
Special Permit Granting Authority _____
Copy to Recommending Boards _____
Advertised _____ & _____
Public Hearing _____
Fee: \$150.00 Paid: _____

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

MAP 009.0 LOT 0007.0 BOOK 1014 PAGE 067 ZONING DISTRICT(S) B2

Site Address: 302 Stockbridge Road

Date of Application 5/23/2017

Applicant's name and complete mailing address Rhona Murray, McDonald's Corporation, 690 Canton Westwood, MA 02090

Applicant's phone number (781) 329-1450 Applicant email address: rhona.murray@us.mcd.com

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

McDonald's Corporation, 020-0130, P.O. Box 182571, Columbus, OH 43218

I (we) request a Special Permit for: Modification of Special Permit #567-98 for the purpose of exterior and interior renovations as part of a modernization of the existing McDonald's.

Under Section(s) _____ 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:

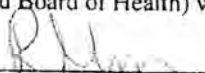
1. Completed application form, including signatures.
2. Brief written description of how the project is in harmony with the Great Barrington Master Plan. (Copies of the Master Plan are available for free download from the Town website. Hard copies can be read at the Clerk's office or the Town libraries.)
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.

FORM SP-1
REV. 11-2013

- 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

Signature of Co-Applicant (e.g. Property Owner, if different)

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 _____

Signature of Co-Applicant (e.g. Property Owner) _____

Date _____

Bruce Firger, 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

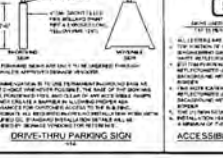
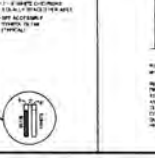
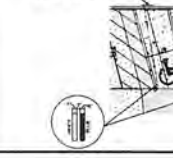
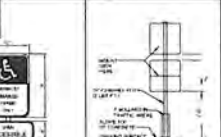
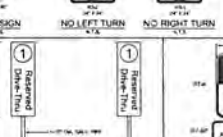
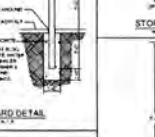
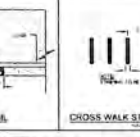
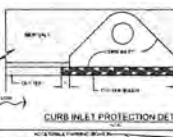
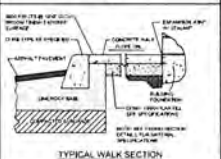
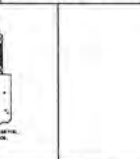
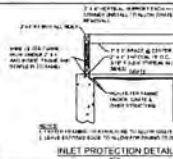
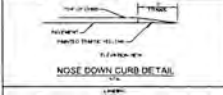
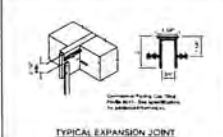
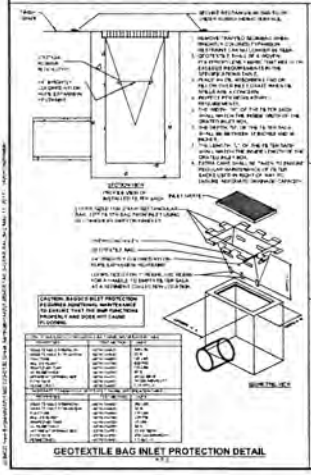
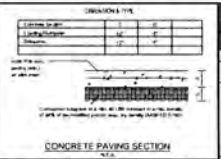
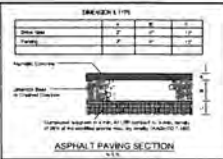
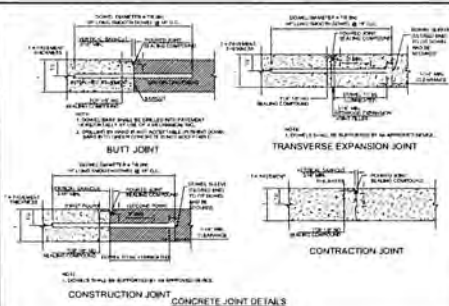
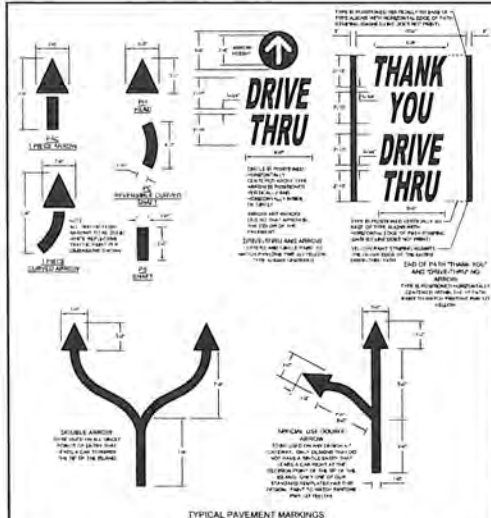
May 11, 2017

ABUTTERS TO PROPERTY OF: MCDONALD'S CORPORATION (20-0130)
302 Stockbridge Road
Map 9 Lot 7 Book 392 Page 12 and Lot 6A Book 1014 Page 67

<u>MAP</u>	<u>LOT</u>	<u>ABUTTER</u>
9	6,8,9	Kimco Great Barrington 609 Inc., 3333 New Hyde Park Road #100, New Hyde Park, NY 11042-1205
9	16	Kathleen A. Sinico, 4 Cooper Rd., Gt. Barrington, MA 01230-1260
9	13	Darren E. Lockenwitz, 8 Cooper Rd., Gt. Barrington, MA 01230-1260
9	12	Michael J. & Deborah A. Ball, 12 Cooper Rd., Gt. Barrington, MA 01230-1260
9	14,15	Nhac Truong, 40 Waterman Ave., East Longmeadow, MA 01028-1729
9	17	Bharthi H. Patel & Has Mukh D. Patel, 256 Stockbridge Rd., Gt. Barrington, MA 01230-1269
9	17A	John & Deborah Scalia, 258 Stockbridge Rd., Gt. Barrington, MA 01230-1269
8	4	White House Square Ltd., c/o John Delmolino, PO Box 446, Monterey, MA 01245-0446
8	5	JWPS LLC, Winnie Chen, 273 State Rd., Gt. Barrington, MA 01230-2103
8	10	Neil A. Nourse & Helen M. Eline, 894 Mill River Great Barrington Rd., New Marlborough, MA 01230-1634
8	11,15B	L. Locke Larkin, PO Box 87, Gt. Barrington, MA 01230-0087
8	12	Sharon Doris Bramson, Trustee, Sharon Doris Bramson Living Trust, 3 Stillwell St., Gt. Barrington, MA 01230-9502
8	4A	Tsamis Management LLC, 18 Stonywell Court, Dix Hills, NY 11746-5423
8	10A	Lindsey J. Morris, Trustee, A&R Realty Trust, c/o LJM Insurance Agency, 327 Union Ave., Framingham, MA 01702-6338
8	9,5A	Donna R. Sermini, Janet Teeple, Carol Mallory & Barbara Lawrence, c/o M. Robinson, 8 Stillwell St., Gt. Barrington, MA 01230-1278

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

Sincerely,

Christopher Lamarre
Principal Assessor



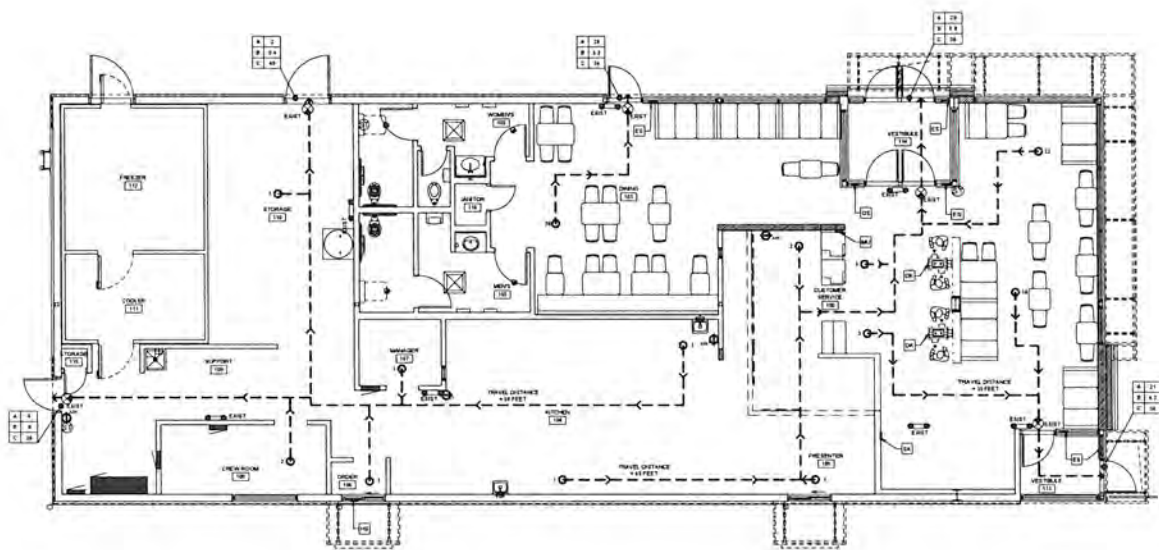
cph
 www.cphinc.com
 A Full Service
 A & E Firm

Architect
 Engineer
 Landscape Architect
 Planner
 Surveyor

Office in:
 • Florida
 • Florida
 • Connecticut
 • Maryland

McDonald's
 GREAT BARRINGTON MDP
 TOWN OF GREAT BARRINGTON / MASSACHUSETTS

Sheet No.
C-4



LIFE SAFETY PLAN
SCALE 1/8" = 1'-0"



NOTE:
EXITING SEAT CARRY-IN OR
REMOVING CARRY-IN TO OCCUPY IN

OCCUPANCY ALLOWANCE FLORIDA BUILDING CODE 2014			
TABLE 1004.1.2 MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT			
FUNCTION OF SPACE	ALLOWANCE (S.F./PERSON)	AREA (SQ. FT.)	OCCUPANTS
ACCESSORY STORAGE AREA	100 SQUARE FEET	100	1
METROLOGICAL EQUIPMENT ROOM	100 SQUARE FEET	100	1
ASSEMBLY (APPROXIMATE SEATING)	15	15	1
ASSEMBLY (OCCUPANCY) (SEATING)	15	15	1
BUSINESS AREAS	100 SQUARE FEET	100	1
OFFICE COMMERCIAL	100 SQUARE FEET	100	1
TOTAL MAXIMUM OCCUPANCY ALLOWANCE			42

LIFE SAFETY LEGEND

- (SIGNAL PATH) (DOTTED LINE)
- DIRECTION OF TRAVEL
- ← DIRECTION OF TRAVEL
- ☼ EXISTING EXIT LIGHT
- ☼ EXISTING UNBURNED EMERGENCY EXIT LIGHT
- ☼ EXISTING EMERGENCY EXIT LIGHT
- ☼ FIRE EXTINGUISHER
- ☼ FIRE EXTINGUISHER TYPE II & III

NOTE:
SEE EXISTING LIFE SAFETY ACCESSORIES (EXIT LIGHTS, EMERGENCY LIGHTS, FIRE EXTINGUISHERS, ETC.) TO REMAIN.

EGRESS LEGEND

A	OCCUPANT LOAD AT EACH EXIT
B	REQUIRED EXIT WIDTH
C	REQUIRED EXIT WIDTH

KEY NOTES

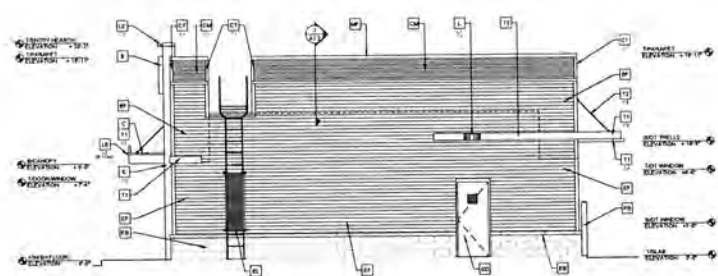
- 1. OCCUPANCY LOAD STORAGE SHALL READ "MAXIMUM OCCUPANCY 42"
- 2. TACTILE EXIT SIGNAGE - REFER TO SHEET 01
- 3. SIGN WITH EXIT SYMBOL AND OTHER INFORMATION LOCATED ON EXISTING AND NEW SIGNAGE IN NON-PERMISSIBLE CLEARANCE
- 4. SIGN WITH WALL MOUNTING SHALL BE MOUNTED ADAPTED TO COMPLIANT WITH SIGNATION SYSTEM - REFER TO SHEET 01
- 5. SIGN MOUNTING - REFER TO SHEET 01
- 6. NEW SIGNAGE UNDER SIGNAGE - REFER TO ELECTRICAL



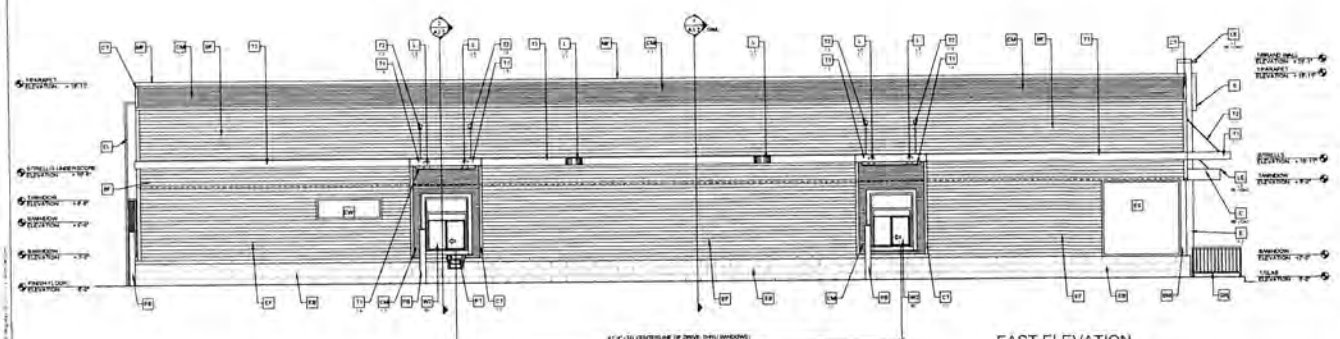
McDonald's USA, LLC
 PROJECT NO. 12547
 DATE: 12/15/2014
 PROJECT: LIFE SAFETY PLAN
 SHEET: A0.5
 SCALE: 1/8" = 1'-0"

A0.5
LIFE SAFETY PLAN

NOTE: THE SCALE OF THESE PLANS MAY HAVE CHANGED DUE TO REPRODUCTION



SOUTH ELEVATION
SCALE 1/4" = 1'-0"



EAST ELEVATION
SCALE 1/4" = 1'-0"

COLOR LEGEND AND FINISH WITH REGARD TO PAINTS VARIOUS

WOODWORK	APPLICABLE FINISH	EXISTING WALLS (SEE FINISH SYSTEM SHEET)
WOODWORK	APPLICABLE FINISH	EXISTING WALLS (SEE FINISH SYSTEM SHEET)
BASE BUILDING	CONCRETE	EXISTING WALLS (SEE FINISH SYSTEM SHEET)
ROOF BUILDING	ROOFING	EXISTING WALLS (SEE FINISH SYSTEM SHEET)

KEY NOTES

- A NEW ELONGATED SIGN & SIGN TO BE LOCATED ON THE COLOR BASE BUILDING
- B EXISTING SIGN METAL TO REMAIN
- C ALUMINUM LATCH SYSTEM
- D ALUMINUM TRAILER PANEL BY METAL SHIP
- E 1" VERTICAL BY METAL SHIP
- F 1" VERTICAL BY METAL SHIP
- G 1" VERTICAL BY METAL SHIP
- H 1" VERTICAL BY METAL SHIP
- I 1" VERTICAL BY METAL SHIP
- J 1" VERTICAL BY METAL SHIP
- K 1" VERTICAL BY METAL SHIP
- L 1" VERTICAL BY METAL SHIP
- M 1" VERTICAL BY METAL SHIP
- N 1" VERTICAL BY METAL SHIP
- O 1" VERTICAL BY METAL SHIP
- P 1" VERTICAL BY METAL SHIP
- Q 1" VERTICAL BY METAL SHIP
- R 1" VERTICAL BY METAL SHIP
- S 1" VERTICAL BY METAL SHIP
- T 1" VERTICAL BY METAL SHIP
- U 1" VERTICAL BY METAL SHIP
- V 1" VERTICAL BY METAL SHIP
- W 1" VERTICAL BY METAL SHIP
- X 1" VERTICAL BY METAL SHIP
- Y 1" VERTICAL BY METAL SHIP
- Z 1" VERTICAL BY METAL SHIP

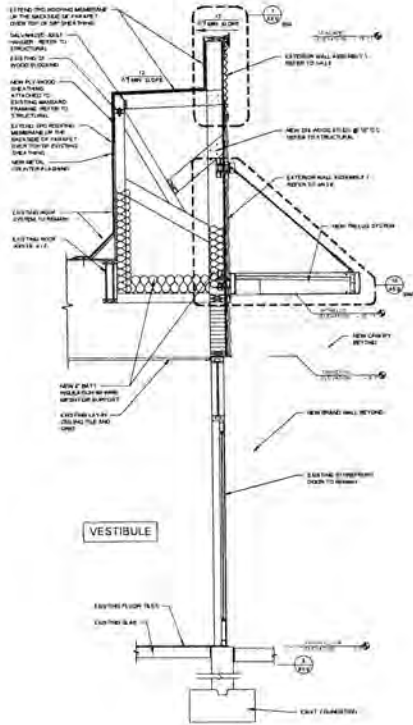


McDonald's USA, LLC
ARCHITECTURE
10000 W. CENTURY BLVD., SUITE 1000
DENVER, CO 80231
TEL: 303.733.7000
WWW.MCDONALDSUSA.COM

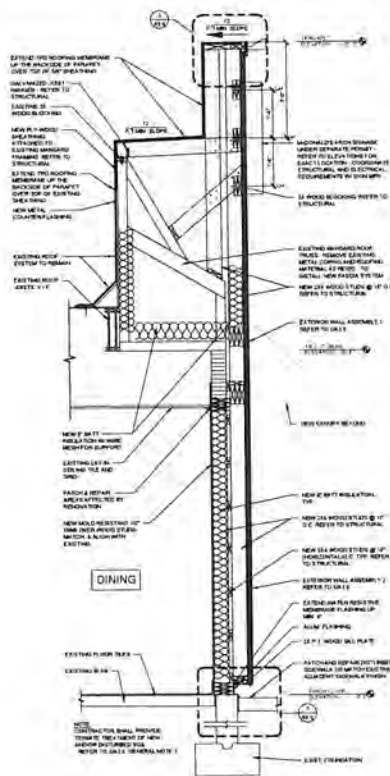
McDonald's USA, LLC
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DENVER, CO 80231
TEL: 303.733.7000
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A2.1
ARCHITECTURE
10000 W. CENTURY BLVD., SUITE 1000
DENVER, CO 80231
TEL: 303.733.7000
WWW.MCDONALDSUSA.COM

NOTE: THE SCALE OF THESE PLANS MAY HAVE CHANGED DUE TO REPRODUCTION



1 WALL SECTION
SCALE: 1/8" = 1'-0"



2 WALL SECTION
SCALE: 1/8" = 1'-0"

GENERAL NOTES

1. ALL FINISHES SHALL BE IN ACCORDANCE WITH THE ARCHITECT'S SCHEDULE OF FINISHES UNLESS OTHERWISE NOTED.
2. ALL MATERIALS SHALL BE NEW UNLESS OTHERWISE NOTED.

EXTERIOR WALL ASSEMBLY 1

1. EXTERIOR WALL ASSEMBLY 1 SHALL BE CONSTRUCTED AS SHOWN AND SHALL BE FINISHED WITH THE FINISHES SHOWN.
2. ALL MATERIALS SHALL BE NEW UNLESS OTHERWISE NOTED.

EXTERIOR WALL ASSEMBLY 2

1. EXTERIOR WALL ASSEMBLY 2 SHALL BE CONSTRUCTED AS SHOWN AND SHALL BE FINISHED WITH THE FINISHES SHOWN.
2. ALL MATERIALS SHALL BE NEW UNLESS OTHERWISE NOTED.

EXTERIOR WALL ASSEMBLY 3

1. EXTERIOR WALL ASSEMBLY 3 SHALL BE CONSTRUCTED AS SHOWN AND SHALL BE FINISHED WITH THE FINISHES SHOWN.
2. ALL MATERIALS SHALL BE NEW UNLESS OTHERWISE NOTED.

EXTERIOR WINDOW ASSEMBLY

1. EXTERIOR WINDOW ASSEMBLY SHALL BE CONSTRUCTED AS SHOWN AND SHALL BE FINISHED WITH THE FINISHES SHOWN.
2. ALL MATERIALS SHALL BE NEW UNLESS OTHERWISE NOTED.

EXTERIOR WINDOW ASSEMBLY

1. EXTERIOR WINDOW ASSEMBLY SHALL BE CONSTRUCTED AS SHOWN AND SHALL BE FINISHED WITH THE FINISHES SHOWN.
2. ALL MATERIALS SHALL BE NEW UNLESS OTHERWISE NOTED.

TRELLIS SYSTEM

1. TRELLIS SYSTEM SHALL BE CONSTRUCTED AS SHOWN AND SHALL BE FINISHED WITH THE FINISHES SHOWN.
2. ALL MATERIALS SHALL BE NEW UNLESS OTHERWISE NOTED.

SECTION NOTES

1. ALL MATERIALS SHALL BE NEW UNLESS OTHERWISE NOTED.
2. ALL FINISHES SHALL BE IN ACCORDANCE WITH THE ARCHITECT'S SCHEDULE OF FINISHES UNLESS OTHERWISE NOTED.

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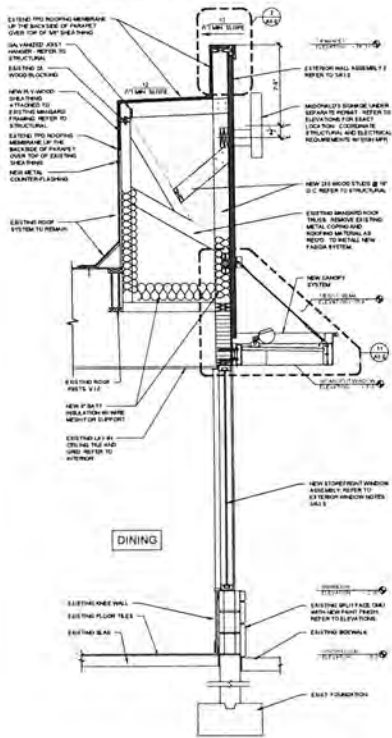
NOTE: THE SCALE OF THESE PLANS MAY HAVE CHANGED DUE TO REDUCTION.



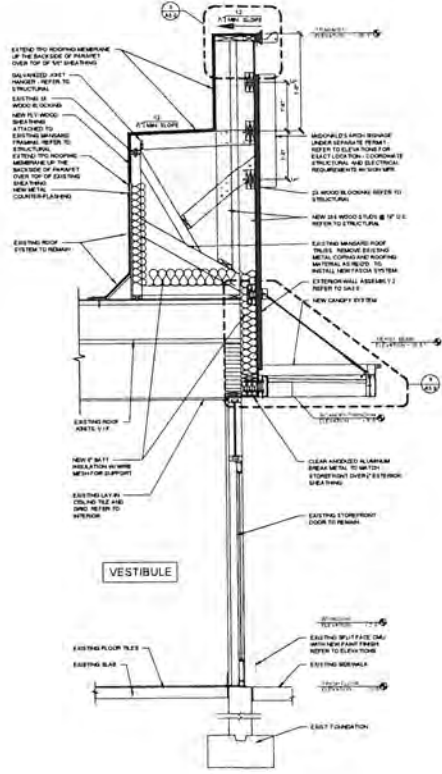
McDonald's USA, LLC
 11500 W. Alameda Ave., Suite 100
 Denver, CO 80231
 (303) 751-1000
 www.mcdonalds.com

ARCHITECT
 ENGINEER
 CONTRACTOR
 MANUFACTURER

A3.0



1 WALL SECTION
SCALE 3/4" = 1'-0"



2 WALL SECTION
SCALE 3/4" = 1'-0"

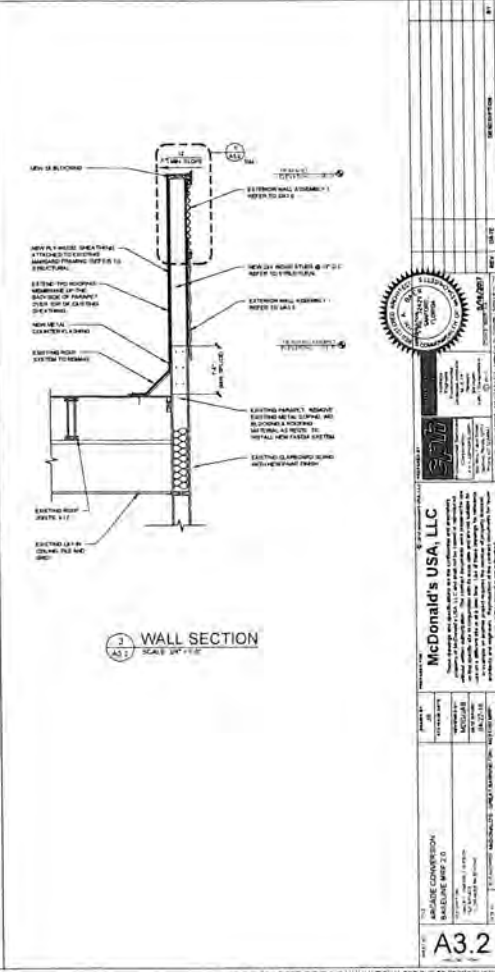
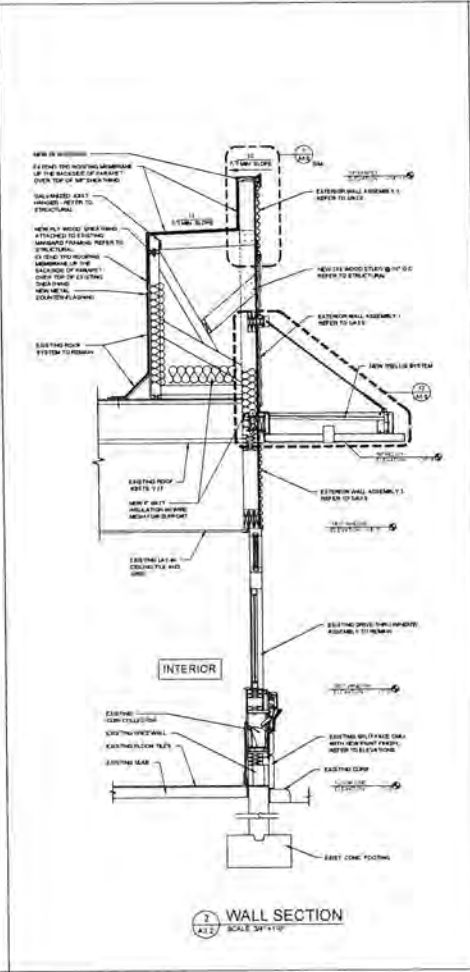
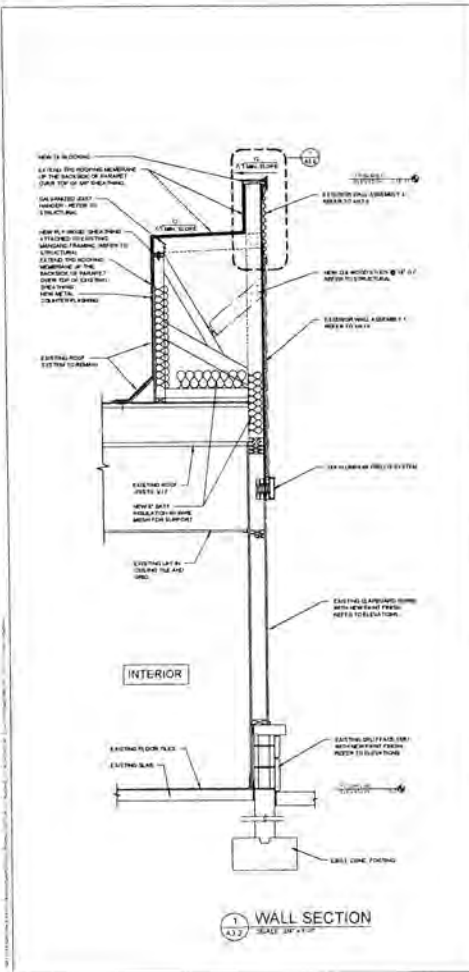
NOTE: THE SCALE OF THESE PLANS MAY HAVE CHANGED DUE TO REPRODUCTION



McDonald's USA, LLC

ARCHITECT
ARCHITECT CONVERSION
SCHEDULE MBP 2.0

A3.1



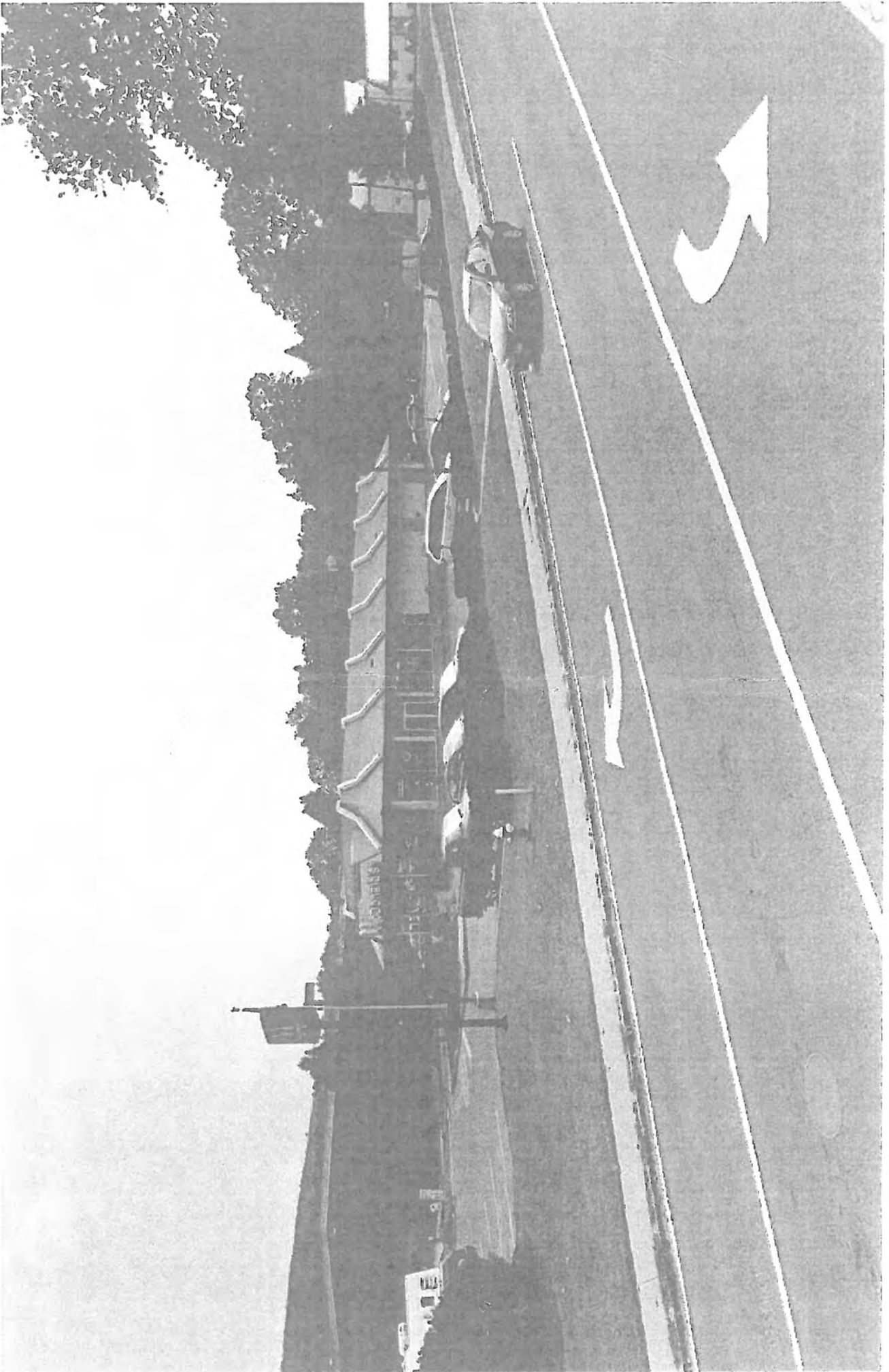
NOTE: THE SCALE OF THESE PLANS MAY HAVE CHANGED DUE TO REPRODUCTION



McDonald's USA, LLC

ARCHITECT
BANKLENE BOUTZ

A3.2







TOWN OF GREAT BARRINGTON
MASSACHUSETTS

Previous Permit.

NOTICE OF DECISION ON SPECIAL PERMIT

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

Applicant: MC DONALD'S CORPORATION

Date: 5/27/98

Case No: 567-98

Premises Affected: 302 Stockbridge Road, Great Barrington, MA 01230
Special Permit Application

Referring to the above application so as to permit
the construction and then demolition of a "fast food" restaurant.

After a public hearing opened on April 27, 1998, the Board of Selectmen, at its meeting on April 27, 1998, **VOTED TO GRANT** a special permit under Article X, Section 171-45 and Article V, Sections 171-16 C(6a), 171-74G and 171-74M of the Protective Bylaw subject to the following conditions, safeguards and limitations on time or use, if any:

1. The outside façade of the building shall be horizontal siding;
2. The roof shall be architectural shingles.
3. The bottom two feet of the building shall be split face concrete block.
4. The dumpster area shall be screened with shrubbery.
5. The plans submitted to the Board shall be followed as presented and shall be clear and monitored by the Town Engineer and Building Inspector.

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

The Board of Selectmen

Edward T. Morehouse
Edward T. Morehouse
Chairman

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

TOWN OF GREAT BARRINGTON, MASSACHUSETTS

CASE NO: 567-98

DATE FILED: 5/27/98

Record of Proceedings
On Application For A Special Permit

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

I, Edward T. Morehouse, Chairman of the Board of Selectmen, hereby certify that the following is a detailed record of all its proceedings relative to the application of:

MC DONALD'S CORPORATION, 302 STOCKBRIDGE ROAD, GREAT BARRINGTON, MA 01230
(Name and Address of Applicant)

for a special permit under Sections 171-74G, 171-74M and 171-16 C(6a) and 171-45 of the Zoning Bylaw.

The applicant desires a permit: to construct and then demolish a "fast food" restaurant at 302 Stockbridge Road.

The premises affected are located at 302 Stockbridge Road, Great Barrington, MA 01230, being in a Zoning District in which the above mentioned use requires a special permit from the Board of Selectmen.

1. On March 5, 1998, an application of which a true copy marked "A" is made a part of this record was presented to the Board of Selectmen.

2. Thereupon, an advertisement for a public hearing, of which a true copy marked "B" is made a part of this record, was published in the Shopper's Guide, a newspaper published in Great Barrington, MA on March 12, 1998 and March 19, 1998.

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

4. On April 27, 1998, a hearing was opened at the Town Hall, at which hearing an opportunity was given to all those interested to be heard in favor or in opposition to said application, and which at said hearing,

Chairman Morehouse read the original application, advised that the hearing had been advertised, a site inspection had been conducted on April 27, 1998 and abutters had been notified. Letters from the Planning Board, Board of Health and Conservation Commission were read aloud (copies attached). David Hellman, Attorney for the applicant and various representatives from McDonald's Corporation were present to explain the project and answer questions. Mr. Hellman gave a synopsis of the project. He said that the existing building was built 25 years ago and is close to the end of its useful function. The plan is to construct a new building while the old building continues to operate. An anticipated period for completion is 120 days. The new building will be rotated 90 degrees having the length of the building running parallel to Stockbridge Road. The plan is to take a certain portion of the access road which presently services Price Shopper and widen it by 2 feet. The new building will have 80 seats and a total of 54 parking spaces. An addition of 5 new jobs is anticipated. The existing 225 square feet non-conforming pylon sign will be removed. The building will be constructed on a slab. Materials used will be horizontal siding with the lower 2 feet of split face concrete block for purposes of durability. Benefits of the new McDonald's will be the creation of 5 new jobs, increase of green space by 2600 square feet, reduction of paved surface by the same amount, safer, improved traffic flow and extensive landscaping between the road and the building. In addition, the new building will be closer to the shopping center and will decrease the visual impact of the Price Chopper west wall. Other benefits include more visibility around Cooper Road, addition of a new connecting sidewalk, handicapped parking and a bicycle rack. Mr. Hellman said that this plan somewhat alters the Kimco Special Permit by way of parking being the opposite way. Mr. Hellman presented a letter from Joe Denis of Kimco authorizing these modifications (copy attached). He also presented copies of the Proposed Lighting Schedule and Landscape Schedule (copies attached). Joe Sinico, an abutter expressed concerns regarding the location of the new drive up window because he felt it would increase the traffic flow on Cooper Road. He also had concerns about the visibility of the dumpster and asked the Board to condition that additional plantings be placed across that wall. Mr. Sinico also asked that delivery vehicles be directed to exit and enter from the shopping area instead of Cooper Road. Shelly Deitch, the franchise owner, said that they would direct their drivers to enter and exit through the Price Chopper Shopping Center. She also noted that their deliveries normally take place between 10:30 A.M. and 2:00 P.M. Bob Guidi asked whether the consumption of food will take place in cars and/or picnic tables, and whether the possibility of construction of a play area exists in the future. Mr. Hellman said that at present time neither of these additions were anticipated.

Members Present: Edward T. Morehouse, Chairman, Richard J. Louison, Richard J. Melluzzo, William H. Mooney, Jr., and John H. Beckwith

5. Following the hearing the Board found that the project meets the criteria set forth in Sections 171-74G, 171-74M, 171-16C(6a) and 171-45 of the Bylaw for the following reasons:

The project meets the criteria set forth in Sections 171-74G, 171-74M and 171-16C(6a) of the Great Barrington Town Code.

171-16C (6a) states that a fast food restaurant is permissible in the Town of Great Barrington via special permit.

171-74M

5d. states that no parking area shall be located nearer to the street line than the required front setback distance unless SPGA reduces this parking setback to a pre-existing use upon determination that specific circumstances warrant a lesser set back and that adequate screening and landscaping will be provided

- the Board finds that specific circumstances warrant a lesser set back and adequate screening and landscaping has been provided as per attached memo from Okerstrom-Lang Ltd. dated April 27, 1998.

e. that no more than 20% of the parking on the property shall be located between the street line and the closest façade of the building on the site, unless the SPGA determines that this parking arrangement is not feasible

- the Board determines that the parking arrangement is not feasible.

g. Where the parking area exceeds 50 parking spaces, landscaping shall also be included within the interior of the parking area, the applicant shall submit a plan for adequate maintenance and upkeep of the landscaping

- the applicant has demonstrated that there shall be interior landscaping and has submitted a plan as per attached memo from Okerstrom-Lang Ltd. dated April 27, 1998.

h. the parking area shall include areas designated for storage of snow

- the applicant has shown this on the original plans submitted with the Special Permit Application dated March 5, 1998.

171-45

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

- McDonald's currently has a building at that site southerly from the new one; it is in the shopping center area, which is in harmony with the area in existence and also in harmony with this chapter, which permits fast food restaurants.

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

- by moving it farther north, it will improve the traffic flow in and out of the parking area at McDonald's correcting what is now a potentially dangerous situation.

(3) It will not create undue traffic congestion or unduly impair pedestrian safety

- a traffic study submitted by Jon W. Dietrich of Fuss & O'Neill, Inc. dated September 25, 1997 and filed with the original Special Permit Application shows that projection of traffic shall not increase and that there shall not be undue traffic congestion and pedestrian safety shall not be impaired but will be improved with the new design.

(4) It will not overload any public water, drainage or sewer system or any other municipal facility to such an extent that the proposed use or any existing use will be unduly subjected to hazards affecting public health, safety or general welfare

- it is currently on public water and there shall be no increase in any of these services but merely a replacement.

6. The Board voted at its meeting of April 27, 1998, as detailed below to:

XXX GRANT the special permit application subject to the following conditions, safeguards and limitations on time or use, if any:

1. The outside façade of the building shall be horizontal siding;
2. The roof shall be architectural shingles.
3. The bottom two feet of the building shall be split face concrete block.
4. The dumpster area shall be screened with shrubbery.
5. The plans submitted to the Board shall be followed as presented and shall be clear and monitored by the Town Engineer and Building Inspector.

SECOND: Mr. Melluzzo

<u>ROLL CALL VOTE:</u>	Mr. Melluzzo	-	yes
	Mr. Mooney	-	yes
	Mr. Louison	-	yes
	Mr. Beckwith	-	yes
	Mr. Morehouse	-	yes

THE MOTION CARRIED 5-0.

Committee
July 10, 2017

Committee
to June 12, 2017

Committee to May 15, 2017 @ 6:30p
Committee to March 27, 2017 @ 6:30p
Committee to Feb. 27, 2017 @ 6:30pm

NOTICE OF PUBLIC HEARING

The Great Barrington Selectboard will hold a public hearing on Monday, February 13, 2017 at 7:00 PM at Town Hall, 334 Main Street, Great Barrington, MA, to act on the special permit application of Berkshire Aviation Enterprises Inc. for an aviation field in an R4 zone at 70 Egremont Plain Road, Great Barrington, in accordance with Sections 3.1.4 E(1), 7.2 and 10.4 of the Great Barrington Zoning Bylaw. A copy of the application is available in the Town Clerk's office for viewing during business hours.

Sean Stanton, Chair

Please Publish Friday, January 6, 2016 and Friday, January 13, 2016

Berkshire Record

Helen Kuziemko

From: Jennifer Tabakin
Sent: Friday, July 07, 2017 1:51 PM
To: Chris Rembold; Helen Kuziemko
Subject: FW: Application of BAE for a Special Permit
Attachments: Ltr Selectboard 7-7-17.pdf

RECEIVED
TOWN MANAGER

JUL 7 2017

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

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

From: Stephen Bannon [<mailto:scbannon@gmail.com>]
Sent: Friday, July 07, 2017 1:41 PM
To: Jennifer Tabakin
Subject: Fwd: Application of BAE for a Special Permit

FYI

Stephen Bannon
413-446-6957
Sent from my iPad

Begin forwarded message:

From: Joseph Krummel <jkrummel60@gmail.com>
Date: July 7, 2017 at 12:57:07 PM EDT
To: seanstanton@hotmail.com, Bill Cooke <billcooke.gb@gmail.com>, Ed Abrahams <EDforGB@gmail.com>, Daniel Bailly <danielbbailly@gmail.com>, Steve Bannon <scbannon@gmail.com>, Chris Rembold <crembold@townofgb.org>
Subject: Application of BAE for a Special Permit

Dear Sirs,
Please find attached a letter regarding the application of Berkshire Aviation Enterprises, Inc. for the issuance of a special permit.
Sincerely,
Joseph Krummel
Rachel Shapiro

Joseph Krummel & Rachel Shapiro
109 Seekonk Cross Road
Great Barrington, MA 01230

July 7, 2017

Selectboard of the Town of Great Barrington
Town Hall, 334 Main Street
Great Barrington, MA 01230

Sent via regular mail and email

Re: Application of Berkshire Aviation Enterprises, Inc. for a Special Permit

The Selectboard has used its time to hear and review the matter before it, the Application of Berkshire Aviation Enterprises, Inc. (“BAE”) for a Special Permit to operate the general aviation airport within the R4 Residential District and within Zone II of the Water Quality Protection Overlay District. The Selectboard must deny this application in its entirety based upon the facts presented during this public hearing, the failure of the applicant, BAE, to meet its burden of proof, and the lack of any basis in fact to support any of the applicant’s allegations.

The prevailing law of Massachusetts demands that in order for a Special Permit to be granted, the deciding authority **must** find an “affirmative finding as to the existence of each condition of the statute or by-law required for the granting of the...special permit” Vazza Properties v. City Council of Woburn 1 Mass. App. Ct. 308 (1973) *citing* Planning Bd. of Springfield v. Bd. of Appeals of Springfield, 355 Mass. 460, 62 (1969).

Section 10.4.2 of the Great Barrington Zoning Bylaw, entitled “Criteria”, states with exacting specificity (Par.’s 1 thru 6) each one of the subjects that the Selectboard must determine to have a positive outcome if a special permit were to be granted to any applicant.

The Selectboard must find that:

- 1) BAE failed to provide any suitable evidence during the hearing that its nonconforming use of the subject property provides any meaningful social, economic or community benefits. In fact, the findings provided to the Selectboard show the polar opposite.
- 2) BAE has failed to produce any study drafted by a certified expert that addresses traffic flow, safety, parking and/or loading at the subject property and environs. It would be a

complete derogation of duty if the Selectboard were to waive such a requirement of the applicant.

- 3) BAE has not met its burden of proof that the Town of Great Barrington has adequate resources to provide emergency services if an accident were to happen that results in the contamination of the soil, air and water of the subject property, the surrounding environs, and the drinking water for the Town of Great Barrington. In fact, as the hearing progressed, it became clear that BAE's conduct may raise to the level of criminal negligence in regards, but not limited to, the stewardship of its property; the alleged removal of toxic materials without a proper permit, disposal and supervision, and; the failure to remove additional underground storage tanks that are no longer in use and have exceeded their useful life-span.
- 4) BAE's statements regarding the expansion of nonconforming use at the subject property are completely out of sync with the neighborhood's character and social structures. BAE's desire to construct a new administration building, new hangers, a new above ground fuel farm, the proposal for additional commercial tenants on the subject property, etc. have no place within a residential district.
- 5) The nonconforming use of the subject property provides only negative impacts upon the natural environment. The subject property's location in ZONE II of the WQPOD, abutting the Green River and rare habitat zones, the neighboring school, agricultural uses, and residential homes demands that the Selectboard deny the application for a special permit. Moreover, the lack of candor, and outright misleading of the Selectboard from the officers and shareholders of BAE require an immediate denial of the application with prejudice.
- 6) The excessive noise generated by the nonconforming use of the subject property depresses property tax revenue for the surrounding community. The reduction in revenue is not recoverable by other means because of the subsidized property tax benefits received by BAE. BAE has not provided the Selectboard with any factual evidence to claim any positive economic impacts upon the Town. One document in particular that was annexed to the application that alleges extraordinary economic benefits to the Town

is demonstrably false, and even BAE stated a lack of knowledge as to the numbers purported within. The Selectboard's reliance upon these fake numbers in order to issue a special permit would require a remand by the Court because such a decision fails to have any basis in fact. Whereas, the costs and impacts upon Town services, and the surrounding residential tax base, for which the nonconforming use reduces property tax revenue, has been adequately proven by the abutters and surrounding community.

The Selectboard cannot reach positive determinations for all six criteria and therefore demands a denial of the special permit.

Additionally, the Home Rule Amendment (Mass. Const., art. LXXXIX) provides the Town of Great Barrington with the enforcement mechanisms necessary to regulate all use within its borders both with zoning and nonzoning regulation. With that authority, the Town is lawfully permitted to rely upon any of its applicable regulations and ordinances, in addition to the Zoning Bylaw, to regulate the nonconforming use of property and structures.

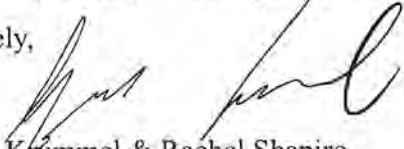
It is well within the Town's authority to deny the special permit based upon the applicant's nonconforming use of the subject property and the hazards this use has upon the Town's natural resources. There can be no dispute that the subject property is located in a highly sensitive area. The Zoning Bylaw, the Master Plan, the Massachusetts SWAP Report, et al., all state with no uncertainty that the subject property's location demands a greater level of regulation and oversight.

For example, the Selectboard is fully within its rights to deny the special permit pursuant to §6.4.1 of the Zoning Bylaw, entitled 'Performance Standards'. The Town has the police power to demand that "...no land, building, or structure in any district shall be used in a manner that creates...noise or vibration, smoke, dust, dirt, or other form of air pollution...condition or element in any amount that adversely affects the surrounding area or premises...Any use already established on the effective date of this Bylaw **shall not** be altered or modified to conflict with, or further conflict with, these performance standards."

Therefore, based upon the above, and all of the facts ascertained from the public hearing, it is respectfully requested that the Selectboard deny the special permit in its entirety without the granting of any conditions.

Thank you for your consideration and deliberation on this matter.

Sincerely,

Handwritten signatures of Joseph Krümmel and Rachel Shapiro in black ink.

Joseph Krümmel & Rachel Shapiro
109 Seekonk Cross Road
Great Barrington, MA 01230

RECEIVED
TOWN MANAGER

JUL 3 2017

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

Memorandum

To: Great Barrington Select Board
Cc: Chris Rembold
From: Marc Fasteau
Re: BAE Application for Special Permit: Negative Lead Test at Airport Well
Date: June 30, 2017

At the June 12, 2017 meeting, the Select Board requested a test conducted by a “third party”. Testing of a sample provided by Mr. Krentsa without independent expert oversight is not responsive. It is also odd that this test shows lead levels lower than the most recent available tests at the Town Water Supply.

Most importantly, however, a single negative test for lead, whether on the airport property or elsewhere, does not prove that the aquifer is not being contaminated by BAE operations. The aquifer is large, underlying much of Great Barrington as well as the airport.. The Source Water Assessment and Protection (SWAP) Report published by the Massachusetts Department of Environmental Protection on March 12, 2003 specifically identified the Airport as a potential contaminant source with a High Threat Ranking. High levels of lead have been found in other wells served by the aquifer. Airborne lead pollution from leaded avgas is a well-documented problem; it is now the largest source of lead pollution in the United States. Only a systematic array of tests at sites selected by an independent licensed professional based on the hydrology of the aquifer will accurately evaluate this hazard and protect the health of Great Barrington residents. The test sites must be downstream of the source of contamination and cover the main migratory routes within the aquifer. For example, the airport’s well may be upstream of the likely location of avgas spills. If so, a test there would not be useful in determining whether the aquifer is being contaminated.

The Environmental Site Assessment customarily required for developments of this scale is the appropriate mechanism. This type of review by a Licensed Site Professional is particularly appropriate given that the Select Board and Town staff do not have the specialized expertise to test for existing contamination and assess the environmental impact of continued airport operation.

JUN 29 2017

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

To: Great Barrington Select Board
From: Marc Fasteau
Date: June 27, 2017
**Subject: Application for Special Permit for GB Airport--Unleaded
Aviation Gas: A Practical Proposal**

- 1) 94 octane unleaded aviation gas (UL94) is now available. It is manufactured by Swift Fuels and sold at airports around the country, including Falmouth, MA. The cost delivered to the Great Barrington Airport would be competitive with the \$4.68/gal BAE now charges for the leaded avgas it now sells. Call P.J. Catania at Swift Fuels for details (telephone 765-237-3197).
- 2) Approximately 2/3 of small aircraft can use UL94. The other 1/3 require the 100 octane leaded avgas now sold at the GB airport.
- 3) Unleaded 100 Octane avgas will not be available until the FAA finishes its evaluation of the two candidate fuels sometime in 2020.
- 4) However, BAE can sell UL 94 avgas to most of its aircraft now and continue to sell leaded 100 octane avgas to the rest until unleaded 100 octane fuel is available.
- 5) This can be accomplished simply and with modest added expense. BAE is already required to remove its underground avgas tank this year and replace it with an above ground tank. BAE can purchase a split tank that can separately store and dispense the 2 different fuels. A new 10,000 gallon split tank would cost approximately \$16,000 (25%) more than an undivided tank. (See the attached email from P.J. Catania of Swift Fuels.) For a secondhand or smaller capacity split tank the additional cost would be less. When unleaded 100 octane avgas is approved, BAE could sell 100 octane unleaded fuel from both compartments if it wished to do so.

6) PROPOSED CONDITION:

If existing pollution issues are resolved after a Phase II Environmental Site Assessment conducted by a Licensed Site Professional and BAE is granted a special permit, it should be required to

- a) **sell only unleaded avgas (UL94 or alternative) to all aircraft that can legally use it beginning no later than Sept 1, 2017; and**

- b) terminate all sales of unleaded avgas 60 days after unleaded 100 octane avgas is approved by the FAA.**
 - c) Provide lists, updated quarterly, of aircraft based at the airport by owner and type of aircraft 1) that can legally use UL 94 or equivalent unleaded avgas and 2) that cannot use UL94 or equivalent unleaded avgas**
 - d) Submit monthly records, including receipts showing the name of purchaser, of sales of both unleaded and leaded avgas to the GB Building Inspector who shall monitor and report on compliance with this condition to the Town Manager**
- 7) This condition would
- a) Reduce the amount of airborne lead pollution from the airport by approximately 2/3 during the 3+ years before unleaded 100 octane avgas becomes available. It would also reduce by 2/3 the potential direct contamination of the GB aquifer from leaded avgas spills during this period.
 - b) Insure that all sales of unleaded avgas stop as soon as 100 octane unleaded avgas is available.

From: Philip Catania <pj.catania@swiftfuels.com>
Subject: Initial Tankage Info
Date: June 22, 2017 at 10:50:02 AM EDT
To: "fasteaumarc@gmail.com" <fasteaumarc@gmail.com>

Marc,

I do not yet have all of the official numbers for you from our vendors (still waiting on one or two line items...), but I do have some ballpark information for you to start.

A single-compartment 10,000-gallon tank will be somewhere in the range of \$35,000-\$50,000 for the bare tank and all associated vents/valves/gauges/etc.

A two-compartment 10,000-gallon tank, regardless of how the capacity is split, will add \$3,000-\$5,000 to the bare tank cost, and, including the cost of additional vents/valves/gauges, will be \$10,000-\$15,000 total more expensive than the single-compartment option.

The dispenser (i.e., pump/meter/hose/nozzle) setup can be up to \$6,000 apiece and is not included in the above numbers.

Freight costs to deliver all components are included in the above pricing.

Total estimated costs for a 10,000 double-wall tank:

- Single-compartment - \$41,000-\$56,000 for tank, vent/valve/gauge package, and one dispenser
- Two-compartment - \$57,000-\$72,000 for split tank, vent/valve/gauge package (essentially x 2), and two dispensers

Respectfully,
PJ

Philip J. Catania

Swift Fuels, LLC

Direct: (765) 237-3197 | Mobile: (317) 695-1649 | Main: (765) 464-8336

pj.catania@swiftfuels.com | www.swiftfuels.com

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Rec'd June 21/2017
SB's Office.

Thank you so much for your dedicated hours and discipline in tackling the onus of state verses town power. Residents from all over town appreciate the nuanced protections you have stipulated so far. We are confident that your actions will preserve the essence of what makes our town a model for family life in a rare, bucolic, safe environment.

PS: please view online just how massive a 10K gallon above ground aviation fuel tank is then require protective barriers. Or better yet, limit it to 5K. Why does a small airstrip that's not expanding need so large a tank out of character with its present operation?

June 15, 2017

HANGARS REPOSITIONED

JUN 21 2017

To the Planning & Select Boards,

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

Your June 8th site visit to the airport failed to incorporate a key component. All preexisting structures including the maintenance hangar, 3 storage hangars, main office, its adjacent flight instruction school, and a fenced-in shed securing a high voltage energy source are deliberately positioned at the furthest borders of the property, as are the tie-down planes to the north and south of the runway. That's no coincidence! **The areas surrounding the runways and taxi strip need maximum, unobstructed space to prevent plane accidents during both landings and take offs.**

The proposed hangars should follow the longstanding precedent of hangars being as far from the runway as possible. The "clam shell" being removed is the precedent footprint they should be required to use as their foundation. It is in line with the checkerboard hangar. All hangars should be single file along the northern border, not stacked 3 in front of each other protruding towards the runways and taxi strip.

They will be storing 18 planes filled with highly toxic, volatile, flammable lead gas and engine oil. As proposed now, they pose the greatest threat for a plane's wings to hit into the hangar closest to the grass runway. In the event of an accident to one new hangar, the chain reaction explosions will bring catastrophic damage to airport patrons and their planes, visitors, abutters and nearby neighbors, as well as to the Green River, aquifer, and wetlands. The impact could easily hurl debris into other tie-down planes and airport structures housing additional gas-filled planes plus other stored toxic chemicals, thus reeking further destruction to the environment and nearby homes.

The June 12 Selectboard meeting revealed even more frightening news that the airport also intends to erect an above ground aviation fuel tank of substantial size (5,000 to 10,000 gallon capacity) – another potential deadly obstacle - flanking the southern border of the runway opposite the new hangars. **The combination of the ill positioned hangars, a massive fuel tank, and a bevy of new traffic is a recipe for disaster that allows only a narrow path for a plane to avoid an accident when conditions are not ideal.** Both the tank and the hangars will be within about 50 - 100' from the grass and cement runways/taxiing strips. A 10,000 gal. fuel tank measures about 10' x 30' without protective barriers.

If the newly amended by-laws require only 100' proximity from the Green River, why aren't the Boards insisting all three hangars start at that point to protect people and the environment from potential accidents? The fact that the majority of flights are by student pilots is a red flag as to the proposed nearness to the runway. Has the PB or SB researched the most recent plane crashes emanating from the GB airport?

They have been due to: pilot error, plane malfunctions, inclement flying weather conditions, excess weight on board, and a pilot being medically stricken while taking off. In one instance, a respected GB airport pilot ripped the roof off a car driving on Seekonk Cross Rd., and in another, a plane landed in fields north of the airport by the Steiner School. Also, two separate incidents had planes plunge into an abutter's property when slowly taxiing off the runway.

In fact, an article in *The Sun Chronicle* on July 11, 2011 carried the following story of another crash,
"A Plainville man was injured when a small plane in which he was a passenger crashed near a home in the western Massachusetts town of Egremont. Steven Boatright, 38, the passenger, and pilot Richard Solan, 56, of Canaan, Conn., escaped life-threatening injuries, Egremont police said.

State police said the single-engine craft took off from privately owned Walter J. Koladza Airport in Great Barrington about 5:30 p.m. Tuesday. Police say the plane had engine trouble as it took off and the pilot tried to make an emergency landing, but ended up clipping several trees before setting down in the back yard of a home near the New York border."

Please note that a tall stand of trees abuts the GB runway and if a pilot, especially a less experienced one, should clip them and lose control of the plane, those new hangars would be within yards of an out of control plane.

And yes, that is the same Rick Solan, airport owner and veteran pilot, who proposes the hangars. Thankfully, he and his passenger lived. Sadly, though, loss of life has occurred in some of the other cases. So, you see, plane accidents do occur here whether at the hands of students or experienced pros, and whether the problem occurs airborne or on land at the airport itself. And when they do happen, there's no advance notice to alert those at risk- even at the airport.

The new hangars will add a significant increase in plane, car, pedestrian traffic. Plane traffic will increase on the ground in taxiing (including crossing runways), landing, lifting off – both during daylight and at night in unfamiliar terrain by strangers from Pittsfield, and according to Mngr. Krentsa, pilots from the soon to close Falmouth Airpark.

The greatest occurrence of plane crashes at the GB airport has been during landing and takeoffs. The proposed location of the three hangars makes them a sitting target with devastating results to people, the environment, our water, real property, and the psychological trauma for those directly and indirectly impacted. SAFETY must be paramount in their placement, not the monetary benefit or other conveniences that may have swayed judgment in this proposal.

They should protrude as little as possible, even if it means relocating one or two on 61A land. Their original layout proposed 61A use, and airport Atty. Robbins conceded at the last SB meeting that the airport is prepared to accept any recalculated figures affected by 61A usage. The 150' lengths should lie east-west, not the proposed south-north orientation, and they must be set further back from the runways/taxi strip.

Expect the airport to deem these conditions unacceptable. They have already proven that safety is not their primary concern. First, they demanded no restrictions be placed on the # of student flights (suggested at 11) even though 5 or 6 is the most that logic and safety dictates admitted by Mr. Solan. Second, in their resistance to determine the source of local lead contamination. Praise to the SB for demanding otherwise in each case.

It's hard to believe that the airport has not planned ahead to prevent the real threat these hangars pose. Luckily, you can correct their mistake. Thank you for protecting Gt. Barrington residents, our drinking water, way of life and rare landscape.

Citizens For the Preservation of R4 Zoning

PS:

THIS DANGER IS ESPECIALLY HIGHLIGHTED BY THE MUCH LARGER WINGSPANS OF THE TWIN ENGINE PLANES THAT ARE NOW MORE FREQUENTLY USING THE AIRSTRIP AND WILL, UNDOUBTEDLY, BE EVEN MORE FREQUENT WHEN OTHER AIRPORTS CLOSE.

david hagerty

From: Louise Cadigan <louisecadigan1023@gmail.com>
Sent: Monday, June 12, 2017 10:11 AM
To: David Hagerty
Cc: Aine Ungar
Subject: Please print two copies.

RECEIVED
TOWN MANAGER
JUN 16 2017
BOARD OF SELECTMEN
GREAT BARRINGTON, MA

Board of Selectmen Great Barrington:

Airport Traffic & Expansion

We have been homeowners in Great Barrington for 25 years. Although we are not "abutters" , our home is one mile from the airport and definitely in the flight path.

We have tolerated the noise of small plane traffic in the past. However, we have observed a significant increase in air traffic ,most likely due to the flight school. I have recorded the " fly overs" on a typical Sunday. (see attached). Our concern is a business plan that includes the expansion of the flight school and the addition of maintenance services to accommodate visiting aircraft.

As you can see from the attached record, we are already experiencing significant noise pollution from small aircraft.

We understand that the Koladza Airport was established as a recreational attraction for small plane enthusiasts. The desire to now make it a profitable venture is understandable. Should this be at the expense of of neighbors who live here to enjoy the beauty and peace of the Berkshire Hills? Are there steps that can be taken to regulate the amount of traffic and the expansion of services that will accommodate all of the concerned parties?

I suggest that the function of the airport be reviewed by representatives of neighbors and airport management to ensure that prospective plans are in accordance with zoning in a residential and agricultural community.

Thank you for your leadership in this matter.

Louise Cadigan

david hagerty

From: Louise Cadigan <louiseCADIGAN1023@gmail.com>
Sent: Monday, June 12, 2017 10:26 AM
To: David Hagerty
Cc: Aine Ungar
Subject: Air Traffic Koladza Airport

This is a typical example of the traffic pattern on Sunday

April 23, 2017.

9:35am. Low flying
9:45
10:00
10:30
11:00
11:30 Low flying
11:45.
12:05
5:15
7:45. Last plane

I believe that this pattern reflects flight school training. Students are practicing "touch & go's", turns, and accelerations.

June 6, 2017

To the Select Board,

Your surprised and confused reaction to airport owner Jim Jacobs' candid statements at the last hearing is understandable. However, to his fellow community neighbors, his expressed appreciation of the current size and limitations of the Walter Kolazda Airport is perfectly logical. His 3 home estate on McGee Rd is situated just $\frac{1}{4}$ mile from the airport runway and approximately 50 to 100 yards from the flight path. Unlike his co-owners, manager, mechanics and mostly non-local pilots, it is his and his wife's tranquility, enjoyment of their property, and real estate investments that will be impacted by the added air traffic, pollution, and noise the expansion will create - just like the rest of us within the airport community.

You were considerate in allowing the owners to regroup for another hearing, however, Mr. Jacobs' unrehearsed words to keep the airport restricted to its present use substantiates the sentiments of those opposing the expansion and also endorses a denial of the special permit.

Thank you for protecting the airport land and preserving the R4 quality of life.

Sincerely,
Citizens For the Preservation of R4 Zoning

RECEIVED
TOWN MANAGER

JUN 13 2017

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

Helen Kuziemko

From: Holly Hamer <hhamer3143@yahoo.com>
Sent: Thursday, July 06, 2017 5:25 PM
To: Sean Stanton
Cc: Bill Cooke; Daniel Bailly; Stephen Bannon; Ed Abrahams; Helen Kuziemko
Subject: Wellhead high lead report 95 Seekonk Cross Rd.
Attachments: Micro Sheron well.pdf

Dear Sean and Selectboard members:

Below is the water test for lead from Microbac in Lee which shows the lead level of a sample I took at the wellhead of my neighbor, Joanne Sheron, who lives at 95 Seekonk Cross Rd., close to the BAE property.

It is twice the allowable amount of lead and poses great concern.

She was out of town and asked me to take the sample for her. I have her permission to share the results with you.

Thank-you for your consideration,

Holly Hamer
413-717-0661



Microbac Laboratories, Inc., Lee

CERTIFICATE OF ANALYSIS

L7F0495

Joanne Sheron
95 Seekonk Cross Rd.
Great Barrington, MA 01230

Project Name: 95 Seekonk Cross Rd, Great
Barrington MA - Sheron
Project / PO Number: \$25 Auth# 06019D
Received: 06/22/2017
Reported: 06/27/2017

Analytical Testing Parameters

Client Sample ID:	Well Head	Collection Date:	06/22/2017 9:30
Sample Matrix:	Drinking Water		
Lab Sample ID:	L7F0495-01		

Metals, Total - ICP/MS	Result	RL	Units	Note	Prepared	Analyzed	Lab
Method: EPA 200.8, Rv. 5.4							
Lead	0.136	0.0010	mg/L		06/23/17 1336	06/26/17 1111	DAY



Microbac Laboratories, Inc., Lee

CERTIFICATE OF ANALYSIS

L7F0495

Laboratory

DAY: Microbac Laboratories, Inc. - Dayville

Definitions

- AL: US EPA Action Level
- MAPW8: Massachusetts Department of Environmental Protection - Private Well Guidelines - Table 8 - Recommended Concentration Limits
- MAPW9: Massachusetts Department of Environmental Protection - Private Well Guidelines - Table 8 - Additional Recommended Concentration Limits if Contamination is Suspected
- MCL: US EPA Maximum Contaminant Level
- RL: Reporting Limit
- SMCL: US EPA Secondary Maximum Contaminant Level

Project Requested Certification(s)

Microbac Laboratories, Inc. - Dayville
M-CT008

Massachusetts Department of Environmental Protection

Report Comments

Samples were received in proper condition and the reported results conform to applicable accreditation standard unless otherwise noted.

The data and information on this, and other accompanying documents, represents only the sample(s) analyzed. This report is incomplete unless all pages indicated in the footnote are present and an authorized signature is included.

Reviewed and Approved By:

Christine F. Reynolds
Service Center Manager
Christine.Furcinite-Reynolds@microbac.com
06/27/2017 09:09

Microbac Laboratories, Inc.

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June 7, 2017

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

Re: Application for Special Permit Berkshire Aviation Enterprises, Inc.

Dear Honorable Selectmen:

As you know, this firm represents Marc Fasteau and Anne Fredericks of 77 Seekonk Cross Road with regard to the Special Permit requested by Berkshire Aviation Enterprises, Inc. ("BAE") for the property located at 70 Egremont Plain Road (the "Airport").

After further consideration of their proposed special permit conditions, including consultation with other neighbors, my clients would like to propose two (2) additional conditions to the special permit. As established at the public hearing, the dramatic increase in the intensity of use of the airport since the new ownership took over in 2008 has adversely affected the neighborhood. The most disruptive impacts have been the increase in nighttime departures and arrivals and heavy use of flight paths over residential areas. For obvious reasons, the noise and lights from the airplanes is far more intrusive at night. The flight paths in close proximity to residential homes are in violation of Federal Aviation Association ("FAA") standards.

Therefore, we propose the following additional conditions:

1. There shall be no takeoffs or landings after sunset and before dawn except in the case of emergency.
2. All aircraft departing or landing at the airport shall follow flight paths that meet all FAA rules, regulations, policies and procedures.

To assist the Board is assessing the need to limit activity to the daytime, I have attached a copy of the Federal Aviation Administrations Noise and Noise Compatible Desk Reference which employees a 10-dB adjustment in its primary noise metric from 10:00 p.m. to 7:00 a.m. due to "increased sensitivity to noise during normal night time hours."

RECEIVED
TOWN MANAGER

JUN 14 2017

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

We would also like the Board to consider the gross inaccuracies in data submitted to the Board in support of the special permit application as well as discrepancies between data submitted to the Board and to other regulatory authorities.

1. Attached is an excerpt from the Massachusetts Department of Transportation, Aeronautics Division ("Mass DOT") Statewide Economic Impacts Study. Mass DOT regulates BAE and the data used in the study is reported to it by BAE. On page 6 the Study reports forty-three (43) total employees and a payroll of \$1,164,000. Those employment figures directly contradict information supplied to the Board.
2. BAE has reported to Mass DOT the Airport Operational Statistics shown below, including 114 flights per day (41,610 per year). It has reported similar numbers to the FAA. The FAA Airport Master Record for the airport as of April 6, 2017 (copy attached) shows 41,500 total flights per year, including 3500 military flights.

Airport Operational Statistics

Aircraft based on the field: 52	Aircraft operations: avg 114/day *
Single engine airplanes: 49	84% local general aviation
Multi engine airplanes: 1	8% military
Helicopters: 1	4% transient general aviation
Ultralights: 1	4% air taxi

* for 12-month period ending 15 August 2016

These statistics, including operations per day and per year, military flights, number of employees, payroll and aircraft based at the field are wildly inaccurate. Abutters estimate the number of flights b per day in the range of 20-30. It appears that BAE has grossly inflated the number if flights, like the number of employees and payroll, to support applications to the Mass DOT in support of funding requests. It also appears that BAE has grossly overstated the number of flights per day at the airport to induce the Board to set an artificially high cap on flights per day in the special permit conditions. At very least, these inaccuracies raise serious doubts about BAE's statements that it does not plan to expand the business and operations of the airport. They also raise serious questions about the veracity and forthrightness of BAE, creating uncertainty as to the existing conditions at the airport, BAE's future plans and its assurances of past and future compliance with zoning, environmental regulations and the conditions attached to a special permit.

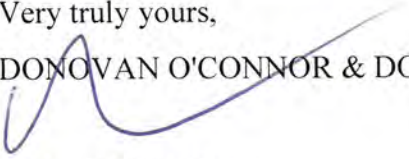
The only way to protect the neighborhood and the Town against the uncertainty of BAE's current and future operations is the imposition of clear, well-tailored conditions designed to maintain the historical level of use at the airport and to protect the aquifer from contamination. As proposed in our earlier submission, these should include a Phase II Environmental Study and adequate monitoring of compliance with all conditions.

Board of Selectmen
Town of Great Barrington
June 7, 2017
Page 3

Thank you for considering this information.

Very truly yours,

DONOVAN O'CONNOR & DODIG, LLP



Richard M. Dohoney

RMD:klk
Enclosures

11. Noise and Noise-Compatible Land Use

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Sound is a physical phenomenon consisting of pressure fluctuations that travel through a medium, such as air, and are sensed by the human ear. Noise is considered unwanted sound that can disturb routine activities (e.g., sleep, conversation, student learning) and can cause annoyance. Aviation noise primarily results from the operation of fixed and rotary wing aircraft, such as departures, arrivals, overflights, taxiing, and engine run-ups. Noise is often the predominant aviation environmental concern of the public. Significant levels of aircraft noise in communities around airports generate the most issues. However, there are increasing concerns in areas of moderate noise exposure, and noise issues are raised by residents in suburban and rural areas where ambient noise is lower than in the more urbanized areas that tend to surround many commercial service airports. There are also special noise sensitivities with respect to certain resources such as national parks.

The compatibility of existing and planned land uses with proposed aviation actions is usually determined in relation to the level of aircraft noise. Federal compatible land use guidelines for a variety of land uses are provided in Table 1 in Appendix A of 14 CFR part 150, *Land Use*

Compatibility with Yearly Day-Night Average Sound Levels. These guidelines are included later in Section 11.6 of this chapter.

For aviation noise analyses, the FAA has determined that the cumulative noise energy exposure of individuals to noise resulting from aviation activities must be established in terms of Yearly Day-Night Average Sound Level (DNL), the FAA's primary noise metric. The Community Noise Equivalent Level (CNEL) may be used in lieu of DNL for FAA actions needing approval in California.

DNL and CNEL account for the noise levels of all individual aircraft events, the number of times those events occur, and the period of day/night in which they occur. Both noise metrics logarithmically average aircraft sound levels at a location over a complete 24-hour period, with a 10-decibel (dB) adjustment added to those noise events occurring from 10:00 p.m. and up to 7:00 a.m. the following morning. The 10-dB adjustment has been added because of the increased sensitivity to noise during normal night time hours and because ambient (without aircraft) sound levels during nighttime are typically about 10-dB lower than during daytime hours. In addition, CNEL includes a 4.77-dB adjustment added to noise events occurring during the evening from 7:00 p.m. and up to 10:00 p.m.

11.1. Regulatory Setting

Exhibit 11-1 lists the primary statutes and regulations related to noise and noise-compatible land use impacts.

Exhibit 11-1. Statutes and Regulations Related to Noise and Noise-Compatible Land Use

Statute or Executive Order	Location in U.S. Code or <i>Federal Register</i>	Implementing Regulation(s) or Instructions	Oversight Agency ^a	Summary ^a
The Control and Abatement of Aircraft Noise and Sonic Boom Act of 1968	49 U.S.C. § 44715	49 CFR part 821, 14 CFR parts 21, 36, 91, 119, 135, and 150	FAA	Authorizes the FAA to prescribe standards for the measurement of aircraft noise and establish regulations to abate noise.
The Noise Control Act of 1972	42 U.S.C. §§ 4901-4918	40 CFR part 209	EPA	Amends the Control and Abatement of Aircraft Noise Sonic Boom Act of 1968 to add consideration of the protection of public health and welfare and to add the EPA to the rulemaking process for aircraft noise and sonic boom standards.

Statute or Executive Order	Location in U.S. Code or Federal Register	Implementing Regulation(s) or Instructions	Oversight Agency ^a	Summary ^a
Aviation Safety and Noise Abatement Act of 1979	49 U.S.C. § 47501et seq.	14 CFR part 150	FAA	Directs the FAA to establish, by regulation, a single system for measuring noise and determining the exposure of people to noise which includes noise intensity, duration, frequency, and time of occurrence; and to identify land uses normally compatible with various noise exposures.
Airport and Airway Improvement Act of 1982	49 U.S.C. § 47101et seq.	Not Applicable	FAA	Authorizes funding for noise mitigation and noise compatibility planning and projects, and establishes certain requirements related to noise-compatible land use for Federally-funded airport development projects.
Airport Noise and Capacity Act of 1990	49 U.S.C. §§ 47521-47534 §§ 106(g), 47523-47527,	14 CFR part 161	FAA	Mandated the phaseout of Stage 2 jet aircraft over 75,000 pounds, and establishes requirements regarding airport noise and access restrictions for Stage 2 and 3 aircraft.
Prohibition on Operating Certain Aircraft Weighing 75,000 Pounds or Less Not Complying with Stage 3 Noise Levels [Section 506 of the FAA Modernization and Reform Act of 2012]	49 U.S.C §§ 47534	14 CFR part 91	FAA	After December 31, 2015, a person may not operate a civil subsonic jet airplane with a maximum weight of 75,000 pounds or less unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.
State/Local Noise Laws/Ordinances	Not applicable	Not applicable	Not applicable	There may be state or local laws or ordinances that apply to noise from a proposed project (e.g. construction noise). ¹

^aU.S.C. = United States Code; CFR = Code of Federal Regulations; EPA = U.S. Environmental Protection Agency

¹With limited exception, state and local regulation of aircraft noise is Federally-preempted.

11.1.1. Consultations, Permits, and Other Approvals

Most FAA actions do not involve any required Federal consultation processes, permits, or other approvals related to noise and noise-compatible land use. However, standards and regulations under 49 U.S.C. § 44715(a), including regulations to control and abate aircraft noise and sonic boom, require consultation with the Administrator of the EPA.

11.1.2. Projects Not Requiring a Noise Analysis

No noise analysis is needed for projects involving Design Group I and II airplanes (wingspan less than 79 feet) in Approach Categories A through D (landing speed less than 166 knots) operating at airports whose forecast operations in the period covered by the NEPA document do not exceed 90,000 annual propeller operations (247 average daily operations) or 700 annual jet operations (2 average daily operations). These numbers of propeller and jet operations result in DNL 60 dB contours of less than 1.1 square miles that extend no more than 12,500 feet from start of takeoff roll. The DNL 65 dB contour areas would be 0.5 square mile or less and extend no more than 10,000 feet from start of takeoff roll.

Also, no noise analysis is needed for projects involving existing heliports or airports whose forecast helicopter operations in the period covered by the NEPA document do not exceed 10 annual daily average operations with hover times not exceeding 2 minutes. These numbers of helicopter operations result in DNL 60 dB contours of less than 0.1 square mile that extend no more than 1,000 feet from the pad. Note that this rule applies to the Sikorsky S-70 with a maximum gross takeoff weight of 20,224 pounds and any other helicopter weighing less or producing equal or less noise levels.

11.1.3. FAA Aircraft Noise Screening Tools and Methodologies

Aircraft noise screening may rule out the need for more detailed noise analysis and provide documented support for a Categorical Exclusion (CATEX) if screening shows no potential for significant noise impacts. The FAA has multiple noise screening tools (NSTs) and methodologies. A list of available FAA screening tools is provided below. To use screening tools or equivalent screening methodologies not listed below, prior written approval from FAA Office of Environment and Energy (AEE) is required.

- Area Equivalent Method (AEM)²

For use in evaluating proposed actions and alternative(s) at an airport which result in a general overall increase in daily aircraft operations or the use of larger/noisier aircraft, as long as there are no changes in ground tracks or flight profiles. If the AEM calculations indicate that the action would result in less than a 17 percent (approximately a DNL 1 dB) increase in the DNL 65 dB contour area, there would be no significant impact over noise sensitive areas and no further noise analysis would be required. If the AEM calculations indicate an increase of 17 percent or more, or if the action is such that use of the AEM is not appropriate, then the noise analysis must be performed using the Aviation Environmental Design Tool (AEDT) to determine if significant noise impacts would result.

² http://www.faa.gov/about/office_org/headquarters_offices/apl/research/models/aem_model/

- *Guidance for Noise Screening of Air Traffic Actions*

For use when evaluating potential noise impacts as a result of changes in air traffic procedure actions. This is accomplished by examining traffic changes, altitude, and/or lateral changes in procedures to determine the potential for noise impacts due to procedure changes. The document is designed to step the user through a series of pre-screening tests to determine that there is no potential noise impact or that additional screening or noise analysis will be needed.

- Noise Screening Tools

For use in evaluating potential noise impacts as a result of changes in airport arrivals and departures above 3,000 feet above ground level (AGL). NST can be used for air traffic airspace and procedure actions where the study area is larger than the immediate vicinity of an airport, incorporates more than one airport, and/or includes actions above 3,000 feet AGL. For changes below 3,000 feet, Air Traffic may use NST or the Air Traffic Guidance for Noise Screening of Air Traffic Actions (discussed above). This is accomplished by screening the proposed changes to determine whether there is the potential to increase noise levels over communities beneath the aircraft route. The tool is designed to identify the following noise level changes:

- For DNL 65 dB and higher: ± 1.5 dB
- For DNL 60 dB to <65 dB: ± 3 dB
- For DNL 45 dB to <60 dB: ± 5 dB

- AEDT Plug-in is the Terminal Area Routing Generation, Evaluation and Traffic Simulation (TARGETS) tool

For use with Performance Based Navigation Procedures, this Plug-in allows the procedure designers to evaluate prospective procedures for potential noise impacts during the design phase. The tool is designed to identify the following noise level changes:

- For DNL 65 dB and higher: ± 1.5 dB
- For DNL 60 dB to <65 dB: ± 3 dB
- For DNL 45 dB to <60 dB: ± 5 dB

11.1.4. FAA-Approved Models for Detailed Noise Analysis

AEE has approved models for detailed noise analysis. Prior written approval from AEE is required to use another equivalent methodology or computer model. When requesting the use of an alternative model, justification of appropriateness of the use of that model over the use of the models below is required. Unless it can be justified, all noise analyses must be performed using the standard and default data. Modification to standard or default data in AEDT requires prior written approval from AEE. Guidance for submitting changes to the AEDT 2b standard or default data can be obtained on the FAA's Environmental Policy website at: http://www.faa.gov/about/office_org/headquarters_offices/apl/environ_policy_guidance/guidance/media/AEDT_Guidance_Memo.pdf.

AEE has approved the following models for use for detailed noise analysis:

- FAA's AEDT 2b at: http://www.faa.gov/about/office_org/headquarters_offices/apl/research/models/AEDT/;
- U.S. Department of Defense's NOISEMAP;
 - NOISEMAP is used to model noise exposure in the vicinity of a military air base due to aircraft flights and engine run-up activities. It is used when the study consists predominantly of military operations. The FAA will consider using NOISEMAP and/or AEDT at joint-use airports.
- U.S. Department of Defense's Military Operating Area and Range Noise Model (MR_NMAP); and
 - MR_NMAP calculates noise levels from subsonic aircraft operations on Military Training Routes (MTRs), Military Operating Areas (MOAs), and Special Use Airspaces (such as ranges). The FAA will consider using MR_NMAP and/or AEDT at joint-use airports.
- PCBOOM.
 - PCBOOM is used to calculate the location and magnitude of sonic-boom overpressures on the ground due to supersonic flight and commercial space operations.

All computer model input data should be collected early in the environmental process and the data should reasonably reflect current and forecast conditions relative to the proposed action and alternative(s). Input documentation for the noise analysis with one copy of the input data files and corresponding output files used in the noise analyses and the corresponding AEDT Administrative File should be provided to the responsible FAA official on electronic media specified by that official. If other equivalent methodologies or the use of non-standard or non-default data are approved, a description of the methodology or additional, non-standard or non-default data, along with a copy of AEE's approval, must be appended to the environmental document.

Noise monitoring data is not required for FAA noise analyses, but may optionally be included in a NEPA document. Noise monitoring data should not be used to calibrate the noise model or to make a finding of significance.

11.2. Affected Environment

The steps generally required to describe the affected environment for noise and noise compatible land use for NEPA documents are as follows:

- Determine the study area for noise analysis;
- Identify noise sensitive areas in the study area and pertinent land use information; and
- Describe current noise conditions in the study area.

The study area for noise is the three dimensional geographic area with the potential to be impacted by noise from the proposed project. The study area can vary in size from an airport's environs to a larger scale airspace redesign that includes multiple airports. An airport environs study area must be large enough to include the area within the DNL 65 dB contour, and may be larger. The study area for the noise analysis of a proposed change in air traffic procedures or airspace redesign may extend vertically from the ground to 10,000 feet AGL, or up to 18,000

feet AGL if the proposed action or alternative(s) are over a national park or wildlife refuge where other noise is very low and a quiet setting is a generally recognized purpose and attribute.

A noise sensitive area, as defined in Paragraph 11-5.b(8) of FAA Order 1050.1F, is:

“[a]n area where noise interferes with normal activities associated with its use. Normally, noise sensitive areas include residential, educational, health, and religious structures and sites, and parks, recreational areas, areas with wilderness characteristics, wildlife refuges, and cultural and historical sites. For example, in the context of noise from airplanes and helicopters, noise sensitive areas include such areas within the DNL 65 dB noise contour. Individual, isolated, residential structures may be considered compatible within the DNL 65 dB noise contour where the primary use of land is agricultural and adequate noise attenuation is provided. Also, transient residential use such as motels should be considered compatible within the DNL 65 dB noise contour where adequate noise attenuation is provided. A site that is unacceptable for outside use may be compatible for use inside of a structure, provided adequate noise attenuation features are built into that structure (see Table 1, *Land Use Compatibility with Yearly Day-Night Average Sound Levels*, in Appendix A of 14 CFR part 150, *Airport Noise Compatibility Planning*). The FAA recognizes that there are settings where the DNL 65 dB standard may not apply. In these areas, the responsible FAA official will determine the appropriate noise assessment criteria based on specific uses in that area. In the context of facilities and equipment, such as emergency generators or explosives firing ranges, but not including aircraft, noise sensitive areas may include such sites in the immediate vicinity of operations, pursuant to the Noise Control Act of 1972 (See state and local ordinances, which may be used as guidelines for evaluating noise impacts from operation of facilities and equipment.)”

Noise compatibility or non-compatibility of land use is determined by comparing the aircraft DNL values at a site to the values in the land use compatibility guidelines (see Exhibit 11-3). Special consideration needs to be given to noise sensitive areas within Section 4(f) properties (including, but not limited to, noise sensitive areas within national parks, national wildlife and waterfowl refuges and historic sites, including traditional cultural properties) where the land use compatibility guidelines in 14 CFR part 150 are not relevant to the value, significance, and enjoyment of the area in question. For example, the land use categories in the guidelines are not sufficient to determine the noise compatibility of areas within a national park or national wildlife refuge where other noise is very low and a quiet setting is a generally recognized purpose and attribute.

Local land use jurisdictions may have noise and land use compatibility standards that differ from the FAA’s land use compatibility guidelines with respect to DNL 65 dB in 14 CFR part 150, Appendix A, Table 1 (“the part 150 guidelines,” see Exhibit 11-3). Such local standards must be disclosed to the extent required under 40 CFR 1502.16(c) and 1506.2(d). However, the FAA does not use local standards to determine the significance of noise impacts. Pertinent land use plans and a general overview of existing and planned uses of the land should be described.

The description of current noise conditions includes:

- DNL contours or noise grid points showing existing aircraft noise levels. Noise exposure contours must include DNL 65, 70, and 75 dB levels (additional contours may be provided on a case-by-case basis). Noise grids are sized to cover the study area for noise analysis. Multiple grids may be created, but at least one grid consists of population centroids from the

U.S. Census blocks. The differences in noise analysis for proposed airport development and other actions in the immediate vicinity of an airport and for air traffic airspace and procedure actions in a larger study area are described more fully in this guidance under the environmental consequences section. U.S. Census data may be supplemented by higher resolution data at the local municipality level, when available. Parcel level data may be available from the local property appraiser's office and is often updated at least once a year. Population and household information can be estimated at the parcel level provided that the local municipalities maintain current estimates of people per household and a housing unit count for multi-family parcels.

- The number of residences or people residing within each noise contour where aircraft noise exposure is at or above DNL 65 dB; or for a larger scale air traffic airspace and procedure action, the population within areas exposed at or above DNL 65 dB, at or above DNL 60 but less than DNL 65 dB, and at or above DNL 45 dB but less than DNL 60 dB.
- The location and number of noise sensitive uses in addition to residences (e.g., schools, hospitals, parks, recreation areas) that could be significantly impacted by noise; and
- Maps and other means to depict land uses within the noise study area. The addition of flight tracks may be helpful. Illustrations should be sufficiently large and clear to be readily understood.

The description of current noise conditions is usually confined to aircraft noise. However, the inclusion of other noise data, such as background or ambient noise or notable levels of noise in the study area from other sources (e.g., highways, industrial uses) is appropriate where such noise data is pertinent to understanding the affected environment and to considering the environmental impacts of the proposed action and alternative(s).

11.3. Environmental Consequences

The environmental consequences section of the NEPA document will include the analysis of the potential noise impacts of the proposed action and alternative(s) for each timeframe evaluated.

The noise analysis will include DNL contours (see text box), grid point, and/or change-of-exposure analysis for the proposed action and each alternative compared to the no action alternative for the same future timeframe.

Noise Contour – Lines on a map that represent equal levels (usually expressed in units of DNL/dB) of noise exposure.

Comparisons should be done for appropriate timeframes. Timeframes usually selected are the year of anticipated project implementation and 5 to 10 years after implementation. Additional timeframes may be desirable for particular projects.

For proposed airport development and other actions in the immediate vicinity of an airport, AEDT is used to provide noise exposure contours at the DNL 65, 70, and 75 dB levels (additional contours may be provided on a case-by-case basis). For all comparisons analyzed, the analysis will identify noise increases of DNL 1.5 dB or more over noise sensitive areas that are exposed to noise at or above the DNL 65 dB noise exposure level, or that would be exposed at or above the DNL 65 dB level due to a 1.5 dB or greater increase, when compared to the no action alternative for the same timeframe.

For actions in the immediate vicinity of an airport, the following information must be disclosed for each modeled scenario that is analyzed:

- The number of residences or people residing within each noise contour where aircraft noise exposure is at or above DNL 65 dB and the net increase or decrease in the number of people or residences exposed to that level of noise;
- The location and number of noise sensitive uses in addition to residences (e.g., schools, hospitals, parks, recreation areas) exposed to DNL 65 dB or greater;
- The identification of noise sensitive areas within the DNL 60 dB contour that are exposed to aircraft noise at or above DNL 60 dB but below DNL 65 dB and are projected to experience a noise increase of DNL 3 dB or more, only when DNL 1.5 dB increases are documented within the DNL 65 dB contour;
- Discussion of the noise impact on noise sensitive areas within the DNL 65 dB contour; and
- Maps and other means to depict land uses within the noise study area. The addition of flight tracks is helpful. Illustrations should be sufficiently large and clear to be readily understood.

For air traffic airspace and procedure actions where the study area is larger than the immediate vicinity of an airport, incorporates more than one airport, and/or includes actions above 3,000 feet AGL, AEDT is used. The noise analysis will focus on a change-in-exposure analysis, which examines the change in noise levels as compared to population and demographic information at population points throughout the study area. This is normally a noise grid analysis. Multiple grids may be created, but at least one grid must consist of population centroids from the U.S. Census blocks. Discrete receptor points³ can also represent select noise sensitive area(s) or comprise a general receptor grid over the study area, either densely or sparsely spaced. Noise contours may be created at the FAA's discretion; however, noise contours are not required and are not normally used for the analysis of larger scale air traffic airspace and procedure actions. If the study encompasses a large geographical area, it is not recommended that contours be created for the representation of results below DNL 55 dB due to fidelity of receptor sets needed to create an accurate representation of the contour.

For air traffic airspace and procedure actions evaluated as described above, change-of-exposure tables and maps at population centers are provided to identify where noise will change by the following specified amounts:

- For DNL 65 dB and higher: ± 1.5 dB
- For DNL 60 dB to <65 dB: ± 3 dB⁴
- For DNL 45 dB to <60 dB: ± 5 dB⁵

³ Receptors are locations where noise is modeled. A collection of receptors are known as receptor sets. Grid points are an example of a receptor set.

^{4,5} The FAA refers to noise changes meeting these criteria as "reportable." Although they are not significant (see Exhibit 4-1 of Order 1050.1F), they may cause a proposed action to be highly controversial on environmental grounds (see paragraph 5-2.b.10 of Order 1050.1F). This is determined by the Air Traffic Organization on a case-by-case basis.

The location and number of noise sensitive uses (e.g., schools, churches, hospitals, parks, recreation areas, etc.) exposed to DNL 65 dB or greater must be disclosed for each modeling scenario that is analyzed.

The noise compatibility of land use is determined by comparing the aircraft DNL values at a site to the values in the land use compatibility guidelines in 14 CFR part 150, Appendix A, Table 1. Environment Assessments (EAs) and Environmental Impact Statements (EISs) must disclose newly non-compatible land use regardless of whether there is a significant noise impact (see FAA Order 10.50.1 F, Paragraph B-1.5). Special consideration needs to be given to noise sensitive areas within Section 4(f) properties (including, but not limited to, noise sensitive areas within national parks; national wildlife and waterfowl refuges; and historic sites, including traditional cultural properties) where the land use compatibility guidelines in 14 CFR part 150 are not relevant to the value, significance, and enjoyment of the area in question. For example, the land use categories in the guidelines are not sufficient to determine the noise compatibility of areas within a national park or national wildlife refuge where other noise is very low and a quiet setting is a generally recognized purpose and attribute.

11.3.1. Significance Determination

Exhibit 4-1 of FAA Order 1050.1F provides the FAA's significance threshold for noise: *The action would increase noise by DNL⁶ 1.5 dB or more for a noise sensitive area that is exposed to noise at or above the DNL 65 dB noise exposure level, or that will be exposed at or above the DNL 65dB level due to a DNL 1.5dB or greater increase, when compared to the no action alternative for the same timeframe.* For example, an increase from DNL 65.5 dB to 67 dB is considered a significant impact, as is an increase from DNL 63.5 dB to 65 dB. The determination of significance must be obtained through the use of noise contours and/or grid point analysis along with local land use information and general guidance contained in Appendix A of 14 CFR part 150.

Special consideration needs to be given to the evaluation of the significance of noise impacts on noise sensitive areas within Section 4(f) properties (including, but not limited to, noise sensitive areas within national parks; national wildlife and waterfowl refuges; and historic sites, including traditional cultural properties) where the land use compatibility guidelines in 14 CFR part 150 are not relevant to the value, significance, and enjoyment of the area in question. For example, the DNL 65 dB threshold does not adequately address the impacts of noise on visitors to areas within a national park or national wildlife and waterfowl refuge where other noise is very low and a quiet setting is a generally recognized purpose and attribute.

When the proposed action or alternative(s) would result in a significant noise increase and the proposed action or any alternative is highly controversial on this basis, the EIS should include, as appropriate in light of the specific proposal under analysis, information on the human response to noise. Inclusion of data on background or ambient noise, as well as other noise in the area, may be helpful.

⁶ Day-Night Average Sound Level (DNL). The 24-hour average sound level, in decibels, for the period from midnight to midnight, obtained after the addition of ten decibels to sound levels for the periods between midnight and 7 a.m., and between 10 p.m., and midnight, local time. The symbol for DNL is L_{dn} (See 14 CFR § 150.7).

Compatible or non-compatible land use is determined by comparing the aircraft DNL values at a site to the values in the part 150 land use compatibility guidelines (see Exhibit 11-3). The part 150 guidelines include uses that may be protected under Section 4(f). The part 150 guidelines may be used to determine the significance of noise impacts on properties protected under Section 4(f) to the extent that the land uses specified in the guidelines bear relevance to the value, significance, and enjoyment of the lands in question. Special consideration needs to be given to noise sensitive areas within Section 4(f) properties (including, but not limited to, noise sensitive areas within national parks, national wildlife and waterfowl refuges and historic sites, including traditional cultural properties) where the land use compatibility guidelines in 14 CFR part 150 are not relevant to the value, significance, and enjoyment of the area in question. For example, the part 150 land use categories are not sufficient to determine the noise compatibility of areas within a national park or national wildlife refuge where other noise is very low and a quiet setting is a generally recognized purpose and attribute, or to address noise impacts on wildlife. When instances arise in which aircraft noise is a concern with respect to wildlife impacts, established scientific practices, including review of available studies dealing with specific species of concern, should be used in the analysis. Noise impact studies of similar species, where similarity may be judged on physiological, phylogenetic, or ecological criteria, and published theories of noise impacts that pertain to these species should be used to obtain the best estimate of potential impacts. This estimate should be qualified by a discussion of the biological uncertainties that arise from gaps in theory and distinctions between the studied species and the affected species. With respect to historic sites, the FAA may rely upon the part 150 guidelines to determine noise impacts on historic properties that are in use as residences. However, the part 150 guidelines may not be sufficient to determine the impact of noise on historic properties where a quiet setting is a generally recognized purpose and attribute, such as a historic village preserved specifically to convey the atmosphere of rural life in an earlier era or a traditional cultural property.

If the noise and noise-compatible land use analysis concludes that there is no significant impact, usually a similar conclusion may be drawn with respect to land use in general. However, if the proposal would result in other impacts which have land use ramifications, for example, disruption of communities, relocation, or induced socioeconomic impacts, the impacts on land use should be analyzed in this context and described accordingly under the appropriate impact category (see Chapter 9, Land Use).

11.4. Supplemental Noise Analysis

The Federal Interagency Committee on Noise (FICON) report, "Federal Agency Review of Selected Airport Noise Analysis Issue," dated August 1992, concluded that the DNL is the recommended metric and should continue to be used as the primary metric for aircraft noise exposure. Subsequent review has confirmed there are no new descriptors or metrics of sufficient scientific standing to substitute for the present DNL cumulative noise exposure metric. However, DNL analysis may optionally be supplemented on a case-by-case basis to characterize specific noise impacts. Because of the diversity of situations, the variety of supplemental metrics available, and the limitations of individual supplemental metrics, the FICON report concluded that the use of supplemental metrics to analyze noise should remain at the discretion of

individual agencies. Since 1992, the Federal Interagency Committee on Aviation Noise (FICAN)⁷ has reaffirmed this recommendation.⁸

Supplemental noise analyses are most often used to describe aircraft noise impacts for specific noise sensitive locations or situations and to assist in the public's understanding of the noise impact. The selection of supplemental analyses will depend upon the circumstances of each particular project. In some cases, public understanding may be improved with a more complete narrative description of the noise events contributing to the DNL contours with additional tables, charts, maps, or metrics. In other cases, supplemental analyses may include the use of metrics other than DNL. There is no single supplemental methodology that is preferable in all situations and these metrics often do not reflect the magnitude, duration, or frequency of the noise events under study.

Exhibit 11-2 below describes metrics that have been used in developing supplemental noise analyses for a variety of reasons such as sleep disturbance, speech interference, building sound insulation, and analysis for special areas such as national parks.

Exhibit 11-2. Potential Metrics for Supplemental Noise Analyses

Metric	Description
Sound exposure level (SEL)	A single event metric that takes into account both the noise level and duration of the event, referenced to a standard duration of one second.
Maximum sound level (L_{max})	A single event metric that is the highest A-weighted sound level measured during an event.
Equivalent sound level (L_{eq})	A cumulative level of a steady sound level that provides an equivalent amount of sound energy for any specific period.
Time above (TA)	A time-based metric that gives the duration, in minutes, for which aircraft-related noise exceeds a specified A-weighted sound level during a given period.
Number Above	The total number of events where the noise exceeds a defined threshold level.
Time Audible	The duration that a time-varying sound level may be detected in the presence of ambient noise as audible by a human observer with normal hearing, who is actively listening for aircraft noise. This metric may be used, if appropriate, for projects within or involving national parks.

A comprehensive listing of acoustical terminology and definitions is available in the American National Standards Institute's (ANSI) "Acoustical Terminology" standard (ANSI S1.1-1994).

The type and nature of activity potentially impacted should be considered. The FICON report identified sleep disturbance and speech interference as two areas where it is appropriate to consider supplemental metrics. In the case of sleep disturbance the predicted number of awakenings in the United States may be calculated using the ANSI Noise Standard, ANSI S12.9-

⁷ FICAN is the successor to FICON and was created in 1993.

⁸ <http://www.fican.org/pages/fican.html>

2008/Part 6, Quantities and Procedures for Description and Measurement of Environmental Sound - Part 6: Methods for Estimation of Awakenings Associated with Outdoor Noise Events Heard in Homes. To examine speech interference (also used as a surrogate for children's learning), FICON recommended using a cumulative A-weighted metric that is limited to the affected time period hours or a Time-above analysis. Additionally, the FICON report provides a table that relates DNL to speech interference.

In addition, the FAA will consider use of appropriate supplemental noise analysis in consultation with the officials having jurisdiction over Section 4(f) properties (including, but not limited to, noise sensitive areas within national parks, national wildlife and waterfowl refuges, and historic sites including traditional cultural properties) where a quiet setting is a generally recognized purpose and attribute that the FAA identifies within the study area of a proposed action or alternative(s). Such supplemental noise analysis is not, by itself, a measure of adverse aircraft noise or significant aircraft noise impact. Lines of Business/Staff Offices (LOB/SOs) within the FAA must consult with and receive approval from AEE in determining the appropriate supplemental noise analysis for use in such cases.

Supplemental analyses may be accomplished using the various capabilities of AEDT for specific grid point analysis. Noise analyses can be used in combination with geographic information system (GIS) programs such as ArcGIS and the U.S. Census Topologically Integrated Geographic Encoding and Referencing (TIGER) databases to determine various population impacts within specified geographic areas.

11.5. Additional Noise Analysis Guidance

11.5.1. Noise from On-Airport Sources Other Than Aircraft Departures and Arrivals

For some noise analyses, it may be necessary to include noise sources other than aircraft departures and arrivals in the noise analysis. This can be determined by examining the action and determining the potential impacts caused by noise other than aircraft departures and arrivals. Some examples are engine run-ups, aircraft taxiing, construction noise, and noise from related roadway work and roadway noise. The inclusion of these sources should be considered on a case-by-case basis, as appropriate.

If engine run-ups or aircraft taxiing noise are analyzed as part of the study, an FAA-approved model must be used. If an alternative model or methodology is desired, prior AEE approval is needed (see Section 11.4 for details). If appropriate, an analysis of surface transportation impacts, including construction noise, should be conducted using accepted methodologies from the appropriate modal administration, such as the Federal Highway Administration (FHWA) for highway noise.

For information on facility and equipment noise impact emissions see Section 11.5.5 below. For noise associated with commercial space actions see Section 11.5.4 below.

11.5.2. 14 CFR Part 150 Noise Proposals

If the proposal requiring an EA or EIS is the result of a recommended noise mitigation measure included in an FAA-approved part 150 noise compatibility program, the noise analysis developed in the program will normally be incorporated in the EA or EIS. The responsible FAA official must determine whether this is sufficient for EA or EIS noise analysis purposes.

11.5.3. Airport Actions

For airport actions, documentation must be included to support the required airport sponsor's assurance under 49 U.S.C. § 47107(a)(10), formerly Section 511(a)(5) of the Airport and Airway Improvement Act of 1982, that appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including takeoff and landing of aircraft. The assurance must be related to existing and planned land uses. The NEPA document should address what is being done by the jurisdiction(s) with land use control authority, including an update on any prior assurance.

The Airport Development Grant Program (see 49 U.S.C. § 47101) requires that a project may not be approved unless the Secretary of Transportation is satisfied that a project is consistent with plans (existing at the time a project is approved) of public agencies for development of the area in which the airport is located (see 49 U.S.C. § 47106(a)(1)).

FAA Advisory Circular 150/5020-1, *Noise Control and Compatibility Planning for Airports*, presents guidance for airport operators and planners to help achieve compatibility between airports and their environs.

Guidance on Procedures for Evaluating the Potential Noise Impacts of Airport Improvement Projects on National Parks and Other Sensitive Park Environments provides FAA regional offices and airport sponsors with appropriate methodology and procedures for evaluating proposed airport projects that could affect the sound environment of National Parks and other DOT Section 4(f) and cultural properties.

For airport actions, in addition to the guidance provided here, see FAA Order 5050.4B and the Environmental Desk Reference for Airport Actions available at: http://www.faa.gov/airports/resources/publications/orders/environmental_5050_4/.

11.5.4. Commercial Space

If a project involves commercial space launch vehicles reaching supersonic speeds, the potential for sonic boom impacts should be discussed.⁹

11.5.5. Facility and Equipment Noise Emissions

For facility and equipment noise emissions, the provisions of the Noise Control Act of 1972 (42 U.S.C. §§ 4901-4918), as amended, apply. State and local standards can be used as a guide for particular activities if these standards are at least as stringent as Federal standards. The Act's

⁹ Please note that part 91 prohibits supersonic flight for civil aircraft. Part 91, Appendix B provides guidance for applying for a special flight authorization to exceed Mach 1.

provisions apply to all land uses. Special attention should be given to noise sensitive areas in developing mitigation (e.g., scheduling machinery operations near hospitals).

11.5.6. Flight Standards

11.5.6.1. Operations Specifications

Flight Standards actions that are normally subject to EAs include the approval of operations specifications or amendments that may significantly change the character of the operational environment of an airport. The person responsible for approving the operations specifications is also responsible for assuring the EA is prepared. Thorough coordination among Flight Standards District Office (FSDO) personnel and the Regional Flight Standards Division is essential. Coordination among regions is expected if an action crosses regional boundaries or lines of businesses (LOBs).

In preparing a noise analysis, the FSDO personnel normally will collect information from the operator that includes the airport, types of aircraft and engines, number of scheduled operations per day, and the number of day/night operations. The information should also include the operator's long-range plans and operation assumptions that are sufficiently conservative to encompass reasonably foreseeable changes in operations.

If the carrier declines to furnish the information, or if the furnished information on operations at the airport does not realistically address night operations (in view of the carrier's proposal and pattern of activity at that airport), or if the information otherwise patently understates the potential operations (when compared with carrier's operations at other airports or with other carrier's operations at that airport), the responsible FAA official will develop an operational assumption which includes night operations and which is otherwise consistent with the typical operations of similar carriers at similar airports. This operational assumption will be used in the NEPA review after coordination with the affected air carrier. If the air carrier objects to the use of this operational assumption in the NEPA review, the carrier may specify that a lesser level of operations be used in the analysis, provided that the carrier agrees that this lesser level will serve as a limit on the operations specifications. If the carrier refuses such a limitation, the FAA will include all reasonably foreseeable operations in the analysis. In this situation, the NEPA document should state that the operational assumption was developed solely for the purpose of environmental analyses and that it is not to be viewed as a service commitment by the carrier.

If an EIS is required, the affected operator should be advised as soon as possible and should be requested to provide any additional required information. District Office personnel will coordinate, as necessary, any activity with the operator. The operations specifications will not be approved until all issues and questions associated with the EIS are fully resolved and the regional Flight Standards Division manager has concurred with the approval.

11.5.6.2. Aerobic Practice Areas

Due to the unique nature of the practice routines used in aerobic practice areas (APA), the standard and default data in AEDT is not appropriate for use when modeling the noise consequences of the aircraft performing in the APA. For guidance on performing noise analysis for APAs, see the October 17, 2012 FAA guidance memorandum titled, "Approval of Aerobic Practice Area (APA) noise equivalent methodology" available at

https://www.faa.gov/about/office_org/headquarters_offices/apl/envirom_policy_guidance/guidance/media/Approval_for_APA_Equivalent_Methodology.pdf.

11.6. Mitigation

Any mitigation measures that are in effect at the time of the proposal or are proposed to be taken to mitigate the action should be described in the NEPA document.

Local land use actions are within the purview of local governments. The FAA encourages local governments to take actions to reduce and prevent land uses around airports that are not compatible with airport operation and aircraft noise. Airports receiving grant funding have a compatible land use obligation, as described in Section 11.5.3, Airport Actions. The NEPA document should address what is being done regarding compatible land use by the jurisdiction(s) with land use control authority.

Common operational measures to mitigate noise include:

- preferential runway use; and
- noise abatement flight procedures.

Common mitigation measures related to noise and noise-compatible land use include:

- acquisition of land or land interests, including air rights, easements, and development rights, to ensure the use of property for purposes compatible with noise exposure;
- sound insulation of residences and other noise sensitive structures; and
- construction of noise barriers or acoustic shielding to mitigate ground-level noise.

Common construction mitigation measures include:

- use of proper mufflers for construction equipment; and
- measures to limit noise from machinery or trucks as they traverse streets in noise sensitive areas.

When a noise analysis in the immediate vicinity of an airport identifies noise sensitive areas that would have an increase of DNL 3 dB or more from DNL 60 dB up to DNL 65 dB noise exposure, the potential for mitigating noise in those areas should be considered, including consideration of the same range of mitigation options available at DNL 65 dB and higher and eligibility for Federal funding. This is not to be interpreted as a commitment to fund or otherwise implement mitigation measures in any particular area.¹⁰

¹⁰ Federal Interagency Committee On Noise: Federal Agency Review of Selected Airport Noise Analysis Issues (August 1992), page 3-7.

Exhibit 11-3. Land-Use Compatibility* with Yearly Day-Night Average Sound Levels

Land Use	Yearly DNL Sound Level (decibels)					
	<65	65-70	70-75	75-80	80-85	>80
Residential						
Residential, other than mobile homes and transient lodgings	Y	N (1)	N (1)	N	N	N
Mobile home parks	Y	N	N	N	N	N
Transient lodgings	Y	N (1)	N (1)	N (1)	N	N
Public Use						
Schools	Y	N (1)	N (1)	N	N	N
Hospitals and nursing homes	Y	25	30	N	N	N
Churches, auditoriums, and concert halls	Y	25	30	N	N	N
Governmental services	Y	Y	25	30	N	N
Transportation	Y	Y	Y (2)	Y (3)	Y (4)	Y (4)
Parking	Y	Y	Y (2)	Y (3)	Y (4)	N
Commercial Use						
Offices, business and professional	Y	Y	25	30	N	N
Wholesale and retail – building materials, hardware, and farm equipment	Y	Y	Y (2)	Y (3)	Y (4)	N
Retail trade, general	Y	Y	25	30	N	N
Utilities	Y	Y	Y (2)	Y (3)	Y (4)	N
Communication	Y	Y	25	30	N	N

Land Use	Yearly DNL Sound Level (decibels)					
	<65	65-70	70-75	75-80	80-85	>80
Manufacturing and Production						
Manufacturing, general	Y	Y	Y (2)	Y (3)	Y (4)	N
Photographic and optical	Y	Y	25	30	N	N
Agriculture (except livestock) and forestry	Y	Y (6)	Y (7)	Y (8)	Y (8)	Y (8)
Livestock farming and breeding	Y	Y (6)	Y (7)	N	N	N
Mining and fishing, resource production and extraction	Y	Y	Y	Y	Y	Y
Recreational						
Outdoor sports arenas and spectator sports	Y	Y (5)	Y (5)	N	N	N
Outdoor music shells, amphitheaters	Y	N	N	N	N	N
Nature exhibits and zoos	Y	Y	N	N	N	N
Amusements, parks, resorts, and camps	Y	Y	Y	N	N	N
Golf courses, riding stables, and water recreation	Y	Y	25	30	N	N

Source: 14 CFR part 150, Appendix A, Table 1

Note: Numbers in parentheses refer to the notes at end of the exhibit.

* The designations contained in this exhibit do not constitute a Federal determination that any use of land covered by the program is acceptable or unacceptable under Federal, state, or local law. The responsibility for determining the acceptable and permissible land uses and the relationship between specific properties and specific noise contours rests with the local authorities. The FAA determinations under 14 CFR part 150 are not intended to substitute Federally determined land uses for those determined to be appropriate by local authorities in response to locally determined needs and values in achieving noise compatible land uses.

Y = Land use and related structures compatible without restrictions

N = Land use and related structures are not compatible and should be prohibited

25 or 30 = Land use and related structures generally compatible; measures to achieve Noise Level Reduction of 25 or 30 dBA (i.e. a weighted sound level) must be incorporated into design and construction of structure. Noise Level Reduction is the amount of noise reduction in decibels achieved through incorporation of building sound insulation treatments (between outdoor and indoor levels) in the design and construction of a structure (14 CFR § 150.7). Building sound insulation treatments typically consist of acoustical replacement windows and doors.

- (1) Where the community determines that residential or school uses must be allowed, measures to achieve outdoor to indoor noise level reduction of at least 25 dBA and 30 dBA should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a noise level reduction of 20 dBA, thus, the reduction requirements are often stated as 5, 10 or 15 dBA over standard construction and normally assume mechanical ventilation and closed windows year round. However, the use of noise level reduction criteria will not eliminate outdoor noise problems.
- (2) Measures to achieve noise level reduction of 25 dBA must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.
- (3) Measures to achieve noise level reduction of 30 dBA must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.
- (4) Measures to achieve noise level reduction of 35 dBA must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.
- (5) Land use compatible provided special sound reinforcement systems are installed.
- (6) Residential buildings require noise level reduction of 25 dBA.
- (7) Residential buildings require noise level reduction of 30 dBA.
- (8) Residential buildings not permitted.

Massachusetts Annual Economic Impacts

GENERAL AVIATION AIRPORTS

Associated City	Airport Name	Total Employment ²	Total Payroll ²	Total Output ²
Barre/Barre Plains	Tanner-Hiller Airport	5	\$94,000	\$548,000
Berkley	Myricks Airport	3	\$34,000	\$74,000
Beverly	Beverly Municipal Airport	245	\$10,122,000	\$32,502,000
Chatnam	Chatham Municipal Airport	149	\$4,347,000	\$12,518,000
Edgartown	Katama Airpark	17	\$520,000	\$1,895,000
Falmouth	Falmouth Airpark	7	\$271,000	\$621,000
Fitchburg	Fitchburg Municipal Airport	129	\$4,752,000	\$14,619,000
Gardner	Gardner Municipal Airport	8	\$237,000	\$800,000
Great Barrington	Walter J. Koladza Airport	43	\$1,164,000	\$3,321,000
Hanson	Cranland Airport	9	\$291,000	\$972,000
Hopedale	Hopedale Industrial Park Airport	14	\$408,000	\$899,000
Lawrence	Lawrence Municipal Airport	267	\$10,212,000	\$30,147,000
Mansfield	Mansfield Municipal Airport	54	\$1,804,000	\$9,392,000
Marlborough	Marlboro Airport	5	\$144,000	\$468,000
Marshfield	Marshfield Municipal Airport - George Harlow Field	74	\$3,627,000	\$9,154,000
Marstons Mills	Cape Cod Airport	8	\$213,000	\$876,000
Montague	Turners Falls Airport	14	\$498,000	\$1,801,000
Newburyport	Plum Island Airport	2	\$35,000	\$121,000
North Adams	Harriman-and-West Airport	97	\$3,557,000	\$11,259,000
Northampton	Northampton Airport	25	\$480,000	\$2,000,000
Norwood	Norwood Memorial Airport	394	\$16,863,000	\$52,232,000
Orange	Orange Municipal Airport	147	\$4,849,000	\$13,992,000
Pittsfield	Pittsfield Municipal Airport	226	\$10,260,000	\$35,387,000
Plymouth	Plymouth Municipal Airport	319	\$13,669,000	\$47,867,000
Southbridge	Southbridge Municipal Airport	20	\$556,000	\$1,712,000
Spencer	Spencer Airport	3	\$63,000	\$141,000
Sterling	Sterling Airport	21	\$426,000	\$1,546,000
Stow	Minute Man Air Field	141	\$4,563,000	\$12,315,000
Taunton	Taunton Municipal Airport - King Field	31	\$978,000	\$3,261,000
Westfield/Springfield	Westfield-Barnes Regional Airport ¹	1,989	\$74,067,000	\$213,628,000
GENERAL AVIATION AIRPORTS TOTAL		4,466	\$169,104,000	\$516,068,000

ALL AIRPORT TOTALS

Total Employment	162,256
Total Payroll	\$6,094,002,000
TOTAL OUTPUT	\$16,555,117,000



¹ Includes economic impacts associated with military operations located on the airport. See page 8 for specific military totals.

² Total impacts include all on-airport business, construction, visitor, and multiplier impacts.

