



Select Board

21 State Line Road, West Stockbridge, Mass. 01266

Tel. (413) 232-0300 x319

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E-mail: admin@weststockbridge-ma.gov

Select Board Meeting

REVISED

Tuesday, January 2, 2024
21 State Line Road, West Stockbridge, MA
And Via Zoom
At 6:00 PM

Open Meeting

1. Approve Minutes from December 18, 2023
2. Citizen Speak Time
3. Discussion/Business/Action items:
 - Michael Bolognino One Day Liquor License
 - Property Tax Relief for Seniors – Sheila Thunfors
 - Discussion of Short-Term Rental Impact fees – Andy Potter
 - Review Current Rooms Rate Tax – Andy Potter
 - Review Annual Entertainment License for TurnPark – Joel Hotchkiss & Jared Gelormino
4. Select Board Speak
5. Adjourn

You are invited to a Zoom webinar.

When: Jan 2, 2024 06:00 PM Eastern Time (US and Canada)

Topic: SB Regular Mtg

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/88358080081?pwd=whpApm06jysV6rH-9GRnUkEdlwsIKw.I3AIIeiPyn0paJ2v>

Passcode: 088148 Webinar ID: 883 5808 0081

Telephone: +1 646 558 8656 US (New York)



Town of West Stockbridge One Day Liquor License Application

(\$25.00 applicable fee)

Name of Responsible Party: Michael Bolognino
Address: 11 Albany Rd
Contact Number: 206-499-0979
Organization holding event: Fancy Feast Supper Club
Location of Event: 11 Albany Rd
Date and Time of Event: 2/17/24 7PM
Type of Event: Supper Club (ticketed public event)

Non-Profit Organization

Other than Non-profit

ALL ALCOHOL

BEER & WINE ONLY

Circle One (above)

Has permission been received from property owner to hold this event? y

Have servers had training in Alcohol service? y

Do you have a Liquor Liability Insurance Policy? We will be covered under Fancy Feast's policy

I, the undersigned, understand and agree to the restriction and responsibilities of holding a One Day Alcohol License and certify that I am not prohibited from holding such license. I agree that the Town of West Stockbridge is in no way responsible for the actions of the applicant.

[Signature]
Applicant's Signature & Date

12/1/23

Local Licensing Authority Signature & Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/01/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER State Farm Raab Insurance Agency Inc 241 W 37th St Suite 602 New York NY 10018	CONTACT NAME: Austin Raab PHONE (A/C, No, Ext): 212-944-9014 E-MAIL ADDRESS: austin.raab.e3wi@statefarm.com FAX (A/C, No): 646-2170534
	INSURER(S) AFFORDING COVERAGE INSURER A: State Farm Fire and Casualty Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

INSURED Lavender Lady Supreme LLC
 DBA Fancy Feast Supper Club
 15 Nobletown Rd
 Hillsdale NY 12529

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	92-EB-M573-7	08/28/2023	08/28/2024	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Deductible \$
	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N	N / A			PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Additional Insured:
 Michael Bolognino and Nick Spain
 11 Albany Road, West Stockbridge, MA 01266
 Includes Liquor Liability Coverage Endorsement (CMP 4580)

CERTIFICATE HOLDER Michael Bolognino and Nick Spain 11 Albany Road West Stockbridge, MA 01266	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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Parking Plan: Event @ 11 Albany Rd. Parking confirmed at Soma Catering.



Ryan, Marie

From: Michael Bolognino <hello@michaelbolognino.com>
Sent: Monday, December 18, 2023 5:47 PM
To: Leah Guadagnoli
Cc: Ryan, Marie
Subject: Re: One Day Liquor License info

Marie, please find the TIPS certificate for our bartender, Hugo, attached. You should now have everything you need, let us know if we can provide anything else. See you in



January!

On Fri, Dec 1, 2023 at 12:37 PM Leah Guadagnoli <leah@fancyfeastsupperclub.com> wrote:
Hi everyone,

Please find the COI that includes the liquor endorsement attached.

Have a great weekend,
Leah

On Fri, Dec 1, 2023 at 10:24 AM Michael Bolognino <hello@michaelbolognino.com> wrote:
You got it.

On Fri, Dec 1, 2023 at 10:22 AM Ryan, Marie <Admin@weststockbridge-ma.gov> wrote:

Hi Michael,

Yes the meeting will be Jan 2 but I will also need the check and a copy of the TIPS Certification and insurance info too by mid- December.

Parking in February



Inbox x



Michael Bolognino <michael.bolognino@gmail.com>
to Loretta ▾

Thu, Nov 9, 11:35 AM



Loretta,

Hello and happy fall to you. I'm writing to request that we rent out your parking lot on 17 February, 2024. It would be for a nighttime event at our house -- so most likely from 7-11 pm or so.

Would that be possible? Please let me know. **MB**

PS: I know we also asked about use of the kitchen, but our chef has found another solution so no need to proceed with that ask.



Loretta Tenuta

to me ▾

Thu, Nov 9, 11:39 AM



Hi Michael,

Thanks for reaching out, yes that would be fine.

Can you just send me a reminder that week but its not a problem

All the best

Loretta

Ryan, Marie

From: Duval, Brian
Sent: Tuesday, January 2, 2024 10:14 AM
To: Ryan, Marie
Subject: Re: [West Stockbridge, MA] 11 Albany Road (Sent by Barry J Girdler, barry@girdlerelectric.com)

That may be fine then.
But it sounds like they may be using this property as a short term rental.
I would ask the Select Board to verify that it is the actual owner hosting this event and not a renter.

Brian Duval
Town of West Stockbridge
Building Commissioner
Zoning Enforcement Officer
(413) 232-0300 ext 313

From: Ryan, Marie
Sent: Saturday, December 30, 2023 10:52:07 AM
To: Duval, Brian
Subject: Re: [West Stockbridge, MA] 11 Albany Road (Sent by Barry J Girdler, barry@girdlerelectric.com)

Hi Brian,

As for this event, they are not renting out their property. They are hosting a dinner by a special chef and are charging for the dinners and alcohol. This is not an entertainment type event so I am not sure what type of special event permit you are talking about. They are not renting out their property, they are hosting but since they are charging for the alcohol, they are requesting a one day license. Do you feel they need an entertainment license for this one-day event? IS that what you are saying? It is their own dinner party really. Please advise.

Thanks,

Marie

From: Duval, Brian
Sent: Thursday, December 28, 2023 4:15 PM
To: barry@girdlerelectric.com
Cc: Ryan, Marie
Subject: Re: [West Stockbridge, MA] 11 Albany Road (Sent by Barry J Girdler, barry@girdlerelectric.com)

Barry,
The residential property would require a one day Special event permit along with the one day alcohol permit. The town Zoning By-law does not allow for properties to be rented out for short term rentals.
I would write a letter to the Select Board addressing your concerns so it can be addressed at their next meeting.

Brian Duval

Town of West Stockbridge
Building Commissioner
Zoning Enforcement Officer
(413) 232-0300 ext 313

From: Contact form at West Stockbridge, MA <cmsmailer@civicplus.com>
Sent: Thursday, December 28, 2023 1:25 PM
To: Duval, Brian
Subject: [West Stockbridge, MA] 11 Albany Road (Sent by Barry J Girdler, barry@girdlerelectric.com)

Hello bduval,

Barry J Girdler (barry@girdlerelectric.com) has sent you a message via your contact form (<https://www.weststockbridge-ma.gov/user/212/contact>) at West Stockbridge, MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.weststockbridge-ma.gov/user/212/edit>.

Message:

Dear Mr. Duval,

My name is Barry Girdler, I live at 21 Oak Street.

I'm writing about a planned event at 11 Albany Road on February 17, 2024. The owner is applying for a one day alcohol license for a ticketed supper club event. Select board agenda packet address below.

<https://www.weststockbridge-ma.gov/sites/g/files/vyhlf4031/f/agendas/ag...>

This event is advertised on the Fancy Feast site. <https://www.fancyfeastsupperclub.com/>

11 Albany Road is zoned R-D. To me this seems to be a commercial type event in a residential zoned property. Is this an allowed use of residential property? Or, is there some sort of special permit that I'm not aware of?

The owners of 11 Albany Road call their home The Filomena. Its advertised as for rent for guests, photoshoots, and events.

<https://www.thefilomena.com/look-around>

Is renting a residential property for events an allowed use of residential zoned property?

I own property close enough to 11 Albany Road that the zoning board of appeals has notified me in the past of a meeting about 11 Albany Road. I'm concerned there might be a plan to commercialize this property.

Thank you for your time.

Sheila Thunboes
Documents

We (June Biggs, Louise Faggioni, Frank Landsberger, Jill Pixley, Rocky Tonini, Sheila Thunfors and Sharon Vidal) formed our discussion group to **pursue avenues of relief for seniors struggling to pay their property taxes**. After much exploring, we decided to pursue avenues that already exist in the Commonwealth as specified in the Mass General Laws Chapter 59 Section 5.

The Commonwealth of MA has several clauses under Chapter 59 Section 5 which towns can adopt to provide property tax relief to seniors who are eligible. Eligible seniors can receive an exemption reducing their total property tax. Portions of those tax exemptions are reimbursed by the Commonwealth per the number of exemptions in each town and are based on the cherry sheet amounts established by state legislature each year.

Clause 41C

On 5/17/2004 West Stockbridge adopted Clause 41C which the state legislature passed in 1986 establishing the income eligibility level for a property tax exemption at \$20,000 or below for a single property owner and \$30,000 or below for a married couple property owner. West Stockbridge chose the 65-year-old age eligibility option under Clause 41C but did not choose the yearly CPI increase for the income eligibility level. Hence \$20,000 and \$30,000 remain the current eligibility cut off levels for income. We find these eligibility levels woefully low and inadequate. To think that a single senior citizen who has an income level of, say \$23,000 a year, would not be eligible for a tax exemption is shameful. We should be doing better for our senior neighbors and fellow citizens.

To give some perspective on the inadequacy of these eligibility income levels, \$20,000 in 1986 is equivalent to \$56,000 in 2023 and \$30,000 in 1986 is equivalent to \$84,000 in 2023.

Had we passed the CPI option back in 2004, we might be at a more reasonable eligibility income level than the \$20,000 and \$30,000 we currently must use. Had we passed 41C with the CPI back in 1986, the income eligibility level would certainly be at a more reasonable amount today. Unfortunately, the CPI's cannot be applied retroactively.

By vote of the town legislative body we have the option to add the CPI under Clause 41C going forward and to increase the exemption amount from its current \$750 to \$1,000.

Clause 41C1/2

Around 2006 the state legislature enacted Clause 41C1/2. This clause uses the senior "circuit breaker" income level as the income eligibility level (2023 \$69,000), allowing the eligibility level to keep up with rising inflation (the DOR updates the "circuit breaker" income level each year). Clause 41C1/2 also gives the towns a range from which to choose the amount of the exemption (from 5% to 20% of the average assessed value). It also allows the town to opt for the 65-year-old age eligibility instead of 70 (West Stockbridge has opted for age 65 for Clause 41C). Clause 41 C1/2 does not have asset limits like Clause 41C (single's asset level no higher than \$40,000 and married's \$50,000).

There is terminology in the various sources we have used that is a bit confusing. There are references to "by vote of the legislative body of the town" (is that the town meeting?), "the legislative body may vote to adjust the following eligibility factors" (again town meeting?) and "41C1/2 which is accepted by

voter approval of a ballot questions at a regular municipal election". We are ready to sign petitions but first must know whether we need a warrant for a town meeting or a ballot question or both. Ronni Barrett, Town Clerk, confirmed that 10 signatures are needed for warrant petitions. She is checking but believes that the warrant is first passed at a town meeting and then is voted on by ballot the following week at the election.

Veteran Clauses 22, 22A, 22B, 22C, 22D, 22E and 22F

The document from the Assessors' office, 2023 Property Tax Exemptions and Deferrals Available to Qualifying West Stockbridge Residents, does not include all the Veteran clauses. Clauses 22B, 22D and 22F are missing. We asked Mary Stodden, Assessors' Clerk, if there was a reason these clauses were missing from the list, but with the re-assessments she does not have time to look into this. Our understanding of these clauses under Chapter 59, Section 5 is that they are all available to any qualifying Veteran and that no town vote is necessary to adopt any of them. We recommend that the Assessors make known that all the 22 clauses are available to qualifying Veterans.

State Reimbursement for Property Tax Exemptions

Each of the Veteran clauses has a specific formula to determine the reimbursement amount from the state.

The exemptions the towns grant under Clauses 41C and 41C1/2 are partially reimbursed by the state on a per exemption basis based on the amount the state legislature appropriates each year. Those exemptions are based on the cherry sheet.

Elaine Markham, Town Accountant, was unable to tell us how much the town does receive for the exemptions. We gathered as much information as possible to begin to extrapolate and estimate those amounts. In 2023 there were 8 Veterans and 6 seniors who qualified for property tax exemptions. The amount in the 2023 cherry sheet under the category Exemp:VBS and Elderly is \$3,963. It appears that the average reimbursement per exemption was \$283+/- . This is just a ballpark figure.

Number of Seniors Who Might Be Eligible for 41C1/2

We gathered as much demographic data as we could find. We could not find data that would tell us how many seniors over 65 would qualify for the Circuit Breaker income level. With extrapolation and estimation, we thought no more than about 60 senior property tax payers might meet the requirements. After the state reimbursement, the town's responsibility for the exemptions would likely be less than \$42,000.

Proposals for Warrants/Ballot Question

We will have petitions for two warrants. One will be to adopt 41C1/2 establishing the age eligibility at 65 or older and the tax exemption at \$1,000. If the town does not pass 41C1/2, there will be a warrant to adjust the exemption amount under 41C to \$1,000. The second warrant can be tabled, if 41C1/2 passes.

We are not attorneys nor municipal tax experts. Based on the information and data we have gathered we believe the information provided is deemed reliable but not guaranteed.

ATTACHMENTS

Mass General Law Chapter 59 Section 5 Clauses 41C and 41C1/2

Division of Local Services Property Tax Guide for Seniors

Division of Local Services Property Tax Guide for Veterans

2023 Property Tax Exemptions and Deferrals Available to Qualifying West Stockbridge Residents

Exemption Form West Stockbridge

41C1/2 Application Form

2023 Preliminary Mutual Cherry Sheet Estimates

Chapter 7 Tax Exemption Module 3.1 overview

Chapter 7 Tax Exemption Module 3.3.5 Clause 41C1/2 Eligibility Factors

Chapter 7 Tax Exemption Module *(have as a pdf for reference, but no need to print it)*

Income Data

Income Distribution

West Stockbridge Age Distribution

West Stockbridge Quick Facts



TAXPAYER’S GUIDE TO LOCAL PROPERTY TAX EXEMPTIONS

SENIORS

Clauses 41, 41B, 41C, 41C½

The Department of Revenue (DOR) has created this fact sheet to provide general information about local property tax exemptions for seniors. **It is not designed to address all questions or issues and does not change any provision of the Massachusetts General Laws. To find out about the specific eligibility and application requirements in your city or town, you must contact your local board of assessors.** The DOR cannot determine your eligibility or give you legal advice. Property taxes are assessed and collected by cities and towns, not by the DOR. Under state law, only your board of assessors, as the local tax administrator, can decide whether you qualify for an exemption. If you disagree with its decision, you may appeal to the state Appellate Tax Board (or county commissioners if your county’s government has not been abolished).

INTRODUCTION

Cities and towns may give property tax exemptions to some individuals as defined by state law. An exemption discharges a taxpayer from the legal obligation to pay all or a part of the tax assessed for the fiscal year. Exemptions are found in various clauses of Massachusetts General Laws Chapter 59, Section 5 ([M.G.L. c. 59, § 5](#)).

Clauses 41, 41B, 41C or 41C½ provide exemptions to seniors who meet specific ownership, residency, income and asset requirements. Seniors 70 or older may, alternatively, qualify for exemption under Clauses 17, 17C, 17C½ or 17D, which provide a reduced benefit, but have less strict eligibility requirements. Clause 41 is the basic exemption for seniors. Over the years, as income and asset values rose, the Legislature enacted alternative exemptions (Clauses 41B, 41C and 41C½), and options within those exemptions, that cities and towns may adopt.

Clause 41 applies unless the legislative body of your city or town has voted, subject to local charter, to accept another clause. The most recently accepted clause establishes eligibility rules in your city or town.

<p>EXEMPTION AMOUNT</p>	<p>Clauses 41, 41B, 41C \$500</p> <p>Clause 41C½ 5% of the average assessed valuation of residential property in your city or town.</p> <p>The Clause 41C exemption may be increased up to \$1,000, by vote of the legislative body of your city or town.</p> <p>The Clause 41C½ exemption may be increased up to 20% of the average assessed valuation of residential property in your city or town, by vote of the legislative body of your city or town.</p>
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For more information, please contact your local assessors.

APPLICATIONS	You must file an application for each fiscal year with the assessors in the city or town where your property is located. The application is due on April 1, or three months after the actual tax bills are mailed, whichever is later. <i>Filing on time is required. By law, the assessors may not waive this filing deadline, nor act on a late application, for any reason.</i> Filing an application does not entitle you to delay your tax payment.
DOCUMENTATION	You must provide the assessors with whatever information is reasonably required to establish your eligibility. This information may include, but is not limited to: <ol style="list-style-type: none"> 1. Birth certificates. 2. Evidence of ownership, domicile and occupancy. 3. Income tax returns, bank and other asset account statements.
NUMBER OF EXEMPTIONS	With limited exceptions, you may only receive one exemption under M.G.L. c. 59, § 5 for each fiscal year. If you qualify for more than one, you will receive the one that provides the greatest benefit. You may receive an exemption and if qualified, defer all or a part of the balance of the reduced tax.
ELIGIBILITY REQUIREMENTS	You must satisfy tests relating to age, domicile, ownership, occupancy, annual income and assets. You must meet <u>all</u> eligibility requirements as of July 1 of the tax year. (<i>The fiscal year of cities and towns begins July 1 and ends the following June 30.</i>) If you do not meet all requirements as of July 1, you <u>cannot</u> receive all or any portion of the exemption for that tax year. If you own the property with someone who is not your spouse, for example, your children, siblings or other relatives, then each of the other co-owners must also satisfy the annual income and asset tests.
AGE	You must be 70 or older. For Clauses 41C and 41C½, the eligible age may be reduced to 65 or older, by vote of the legislative body of your city or town.

<p>OWNERSHIP AND DOMICILE</p>	<p>You must own and occupy the property as your domicile. Your domicile is where your principal and legal home is located, your family, social, civic and economic life is centered and you plan to return whenever you are away. You may have more than one residence, but only one domicile.</p> <p>For Clauses 41B, 41C and 41C½, you must also have had a domicile in Massachusetts for 10 consecutive years before the tax year begins, and have owned and occupied the property, or any other property in Massachusetts, for any 5 years. The 10 year continuous domicile requirement for Clause 41C½ may be reduced to 5 years, by vote of the legislative body of your city or town.</p> <ol style="list-style-type: none"> 1. Under Clauses 41, 41B and 41C, your ownership interest must be worth at least \$4,000. You may own this interest solely, as a joint owner or as a tenant in common. If you own the property with someone who is not your spouse, your exemption will be equal to the same percentage of the exemption as your ownership interest in the property, for example, 50% if you are a joint owner with one other person. 2. If you hold a life estate in the domicile, you are the owner. 3. If your domicile is held in a trust, you are the owner only if: <ol style="list-style-type: none"> a. You are a trustee or co-trustee of that trust, and b. You have a sufficient beneficial interest in the domicile.
<p>INCOME LIMITS</p>	<p>Your income (gross receipts) for the previous calendar year cannot exceed a specified limit. Each clause has a different limit.</p> <p>Gross receipts means income from <u>all</u> sources and is broader than taxable income for federal or state income tax purposes. Ordinary business expenses and losses are deducted but not personal or family expenses. If you received income from social security or certain public pensions systems in the prior calendar year, the assessors will deduct a “minimum social security” allowance, which is set by the DOR each year.</p> <p>If you are single, your allowable gross receipts can range from \$6,000 (Clause 41) to the limit for the “circuit breaker” state income tax credit for single non-head of household filers (Clause 41C½). If you are married, the limit is based on the combined gross receipts of you and your spouse and ranges from \$7,000 (Clause 41) to the limit for the “circuit breaker” state income tax credit for single non-head of household filers (Clause 41C½).</p> <p>For Clauses 41, 41B and 41C, the gross receipts limit may increase annually by the percentage increase in the Consumer Price Index (CPI) determined by the DOR each year. For Clause 41C½, the gross receipts limit may be applied to the combined income of you and your spouse or other household members. These adjustments apply only if the legislative body of your city or town has voted, subject to local charter, to accept the local option.</p>

<p>ASSET LIMITS</p>	<p>Your assets (whole estate) on July 1 cannot exceed a specified limit. Each clause has a different limit.</p> <p>Whole estate means <u>all</u> assets to which you have legal title and access as sole, joint owner or trustee that contribute to your total worth. The value of the applicant's cemetery plots, registered motor vehicles, wearing apparel and household furniture and effects located in the domicile is not included in the calculation of the applicant's whole estate. In addition, the value of the domicile is generally not included, but depending on the clause, portions generating income or over a certain number of units may be included.</p> <p>If you are single, your allowable whole estate can range from \$17,000 (Clause 41) to \$40,000 (Clause 41C). If you are married, the limit is based on the combined whole estates of you and your spouse and ranges from \$20,000 (Clause 41) to \$55,000 (Clause 41C). There is no asset limit under Clause 41C½.</p> <p>For Clauses 41, 41B and 41C, the whole estate limit may increase annually by the percentage increase in the CPI determined by the DOR each year. This increase applies only if the legislative body of your city or town has voted, subject to local charter, to accept this local option.</p>
<p>EXEMPTION CREDIT</p>	<p>If the assessors decide you are eligible and grant an exemption, the amount granted is credited toward and reduces the tax outstanding on your domicile for the fiscal year. You will not receive a refund unless you have already paid the entire year's tax, as reduced by the exemption, at the time the exemption is granted.</p>
<p>SALE OF DOMICILE</p>	<p>If you are selling your domicile, you should make your attorney aware that you receive a property tax exemption that reduces the tax owed for the fiscal year. The sale is a private financial transaction and as a party, you are responsible for seeing that the exemption is properly credited at the closing, through escrow or other arrangements, when the parties make adjustments for local property taxes or charges. Your city or town is not responsible for seeing that you and the buyer allocate the property taxes so you get the benefit of the exemption.</p>

APPEALS	
Appellate Tax Board	<p>The Appellate Tax Board (ATB) is an independent, quasi-judicial state board that hears taxpayer appeals from local assessors' decisions on property tax abatements and exemptions. If county government has not been abolished, appeals may be made to the county commissioners instead, but assessors may and usually do transfer those appeals to the ATB. ATB decisions may be appealed to the Appeals Court and, ultimately, to the Supreme Judicial Court.</p> <p>You can obtain the ATB's guide to the property tax appeal process from its website (www.mass.gov/atb) or by calling 617-727-3100.</p>
Appeal of Action of Assessors	<p>You have three months from the date of the assessors' decision on your exemption application to appeal to the ATB. This includes decisions to deny any exemption or to grant an exemption that provides a lesser benefit. If the application was deemed denied, your appeal must be filed within three months of the deemed denied date. As a general rule, if the real estate tax on your domicile is over \$5,000, you must also have paid all preliminary and actual tax installments on time for the ATB to hear your appeal.</p> <p>The assessors may grant the exemption or higher exemption in final settlement of your application during the three month period for filing an appeal. In that case, you do not have to have filed an appeal with the ATB. However, if a settlement is not reached and an exemption not granted during that period, you must have filed your appeal by the deadline. If not, the ATB cannot hear the appeal.</p>

ASSESSMENT AND EXEMPTION CALENDAR	
January 1	Property Tax Assessment Date for Next Fiscal Year
July 1	Fiscal Year Begins Real Estate Exemption Eligibility Date for Fiscal Year
October - December	Actual Tax Bills Mailed for Fiscal Year
November 1 (Semi-annual Payment Communities) February 1 (Quarterly Payment Communities)	1 st Actual Tax Installment Payment Due ¹

¹ Contact your assessors. The due date depends on the payment system used in your community and the date actual tax bills were mailed for fiscal year.

<p>April 1, or 3 Calendar Months from Mailing of Actual Tax Bill if later</p>	<p>Personal Exemption Applications to Assessors Due ²</p>
<p>3 Calendar Months from Filing of Application (or Date of Written Extension Given by Taxpayer)</p>	<p>Assessors Grant or Deny Exemption Application Deemed Denied if Assessors Have Not Acted</p>
<p>3 Calendar Months from Assessors' Action on Application, or Deemed Denial of Application</p>	<p>Appeal to ATB Due</p>

² Some assessors may accept applications before actual tax bills are mailed. If not, or your application is not approved, you must apply by this deadline to claim the exemption.



TAXPAYER’S GUIDE TO LOCAL PROPERTY TAX EXEMPTIONS

VETERANS

Clauses 22, 22A, 22B, 22C, 22D, 22E, 22F

The Department of Revenue (DOR) has created this fact sheet to provide general information about local property tax exemptions for veterans. **It is not designed to address all questions or issues and does not change any provision of the Massachusetts General Laws. To find out about the specific eligibility and application requirements in your city or town, you must contact your local board of assessors.** The DOR cannot determine your eligibility or give you legal advice. Property taxes are assessed and collected by cities and towns, not by the DOR. Under state law, only your board of assessors, as the local tax administrator, can decide whether you qualify for an exemption. If you disagree with its decision, you may appeal to the state Appellate Tax Board (or county commissioners if your county’s government has not been abolished).

INTRODUCTION

Cities and towns may give property tax exemptions to some individuals as defined by state law. An exemption discharges the taxpayer from the legal obligation to pay all or a portion of the tax assessed for the fiscal year. Exemptions are found in various clauses of Massachusetts General Laws Chapter 59, Section 5 ([M.G.L. c. 59, § 5](#)).

Clauses 22, 22A, 22B, 22C, 22D, 22E and 22F provide exemptions to some veterans, their spouses who own the domicile and their surviving spouses, and some surviving parents and spouses of active duty military personnel who died during or due to military service.

<p>APPLICATIONS</p>	<p>You must file an application for each fiscal year with the assessors in the city or town where your property is located. The application is due on April 1, or three months after the actual tax bills are mailed, whichever is later. <i>Filing on time is required. By law, the assessors may not waive this filing deadline, nor act on a late application, for any reason.</i> Filing an application does not entitle you to delay your tax payment.</p>
<p>DOCUMENTATION</p>	<p>You must provide the assessors with whatever information is reasonably required to establish eligibility. This information may include, but is not limited to:</p> <ol style="list-style-type: none"> 1. Evidence of residency, ownership, domicile and occupancy. 2. Certification of a service-connected disability or death from the U.S. Department of Veterans Affairs (VA) or branch of U.S. military service from which discharged or in which served.

For more information, please contact your local assessors.

<p>NUMBER OF EXEMPTIONS</p>	<p>With limited exceptions, you may only receive one exemption under M.G.L. c. 59, § 5 for each fiscal year. If you qualify for more than one, you will receive the one that provides the greatest benefit. You may receive an exemption and if qualified, defer all or a part of the balance of the reduced tax.</p>
<p>VETERAN</p>	<p>Veterans are individuals who served on active duty in the Armed Forces of the United States for certain time periods during peace or wartime eras and were discharged from military service. Their last discharge or release must have been under other than dishonorable conditions.</p>
<p>ELIGIBILITY REQUIREMENTS</p>	<p>You must satisfy tests relating to residency, domicile, ownership and service-connected disability or awards. You must meet <u>all</u> eligibility requirements as of July 1 of the tax year. (<i>The fiscal year of cities and towns begins July 1 and ends the following June 30.</i>) If you do not meet all requirements as of July 1, you cannot receive all or any portion of the exemption for that tax year.</p>
<p>RESIDENCY</p>	<p>Veterans must have (1) been domiciled in Massachusetts for at least 6 consecutive months before entering military service, <u>or</u> (2) lived in Massachusetts for at least 5 consecutive years before the tax year begins (or at least 1 consecutive year before the tax year begins, if the legislative body of your city or town has voted, subject to local charter, to accept this local option).</p>
<p>DOMICILE</p>	<p>You must occupy the property as your domicile. If you are a spouse of a veteran, you and the veteran must occupy the property as your domicile. Your domicile is where your principal and legal home is located, your family, social, civic and economic life is centered and you plan to return whenever you are away. You may have more than one residence, but only one domicile.</p>
<p>OWNERSHIP</p>	<p>You must own the property.</p> <ol style="list-style-type: none"> 1. Your ownership interest must be worth at least an amount ranging from \$2,000 to \$10,000, depending on the exemption. You may own this interest solely, as a joint owner or as a tenant in common. 2. If you hold a life estate in the domicile, you are the owner. 3. If your domicile is held in a trust, you are the owner only if: <ol style="list-style-type: none"> a. You are a trustee or co-trustee of that trust, and b. You have a sufficient beneficial interest in the domicile.

<p>EXEMPTION CREDIT</p>	<p>If the assessors decide you are eligible and grant an exemption, the amount granted is credited toward and reduces the tax assessed on your domicile for that fiscal year. You will only receive a refund if the entire tax for the year has already been paid at the time the exemption is granted.</p>
<p>SALE OF DOMICILE</p>	<p>If you are selling your domicile, you should make your attorney aware that you receive a property tax exemption that reduces the tax owed for the fiscal year. The sale is a private financial transaction and as a party, you are responsible for seeing that the exemption is properly credited at the closing, through escrow or other arrangements, when the parties make adjustments for local property taxes or charges. Your city or town is not responsible for seeing that you and the buyer allocate the property taxes so you get the benefit of the exemption.</p>
<p align="center">WHO IS ELIGIBLE AND EXEMPTION AMOUNTS</p>	
<p>Clause 22 - \$400</p>	<ol style="list-style-type: none"> 1. Veterans with a service-connected disability of 10% or more. 2. Veterans awarded the Purple Heart. 3. Surviving parents of military personnel who died in military service (Gold Star Parents). 4. Spouses (where the domicile is owned by the veteran's spouse), and surviving spouses (who have never remarried), of veterans entitled to exemption under Clause 22. 5. Surviving spouses (who have never remarried) of World War I veterans as long as their assets (whole worth), less any mortgage on the property, do not exceed \$20,000.
<p>Clause 22A - \$750</p>	<ol style="list-style-type: none"> 1. Veterans who (1) suffered in the line of duty the loss or permanent loss of use of one foot or one hand or one eye, or (2) received the Congressional Medal of Honor, Distinguished Service Cross, Navy Cross or Air Force Cross. 2. Spouses (where veteran's spouse owns the domicile) or surviving spouses of veterans entitled to exemption under Clause 22A.
<p>Clause 22B - \$1,250</p>	<ol style="list-style-type: none"> 1. Veterans who suffered in the line of duty the loss or permanent loss of use of both feet, both hands or both eyes. 2. Spouses (where veteran's spouse owns the domicile) or surviving spouses of veterans entitled to exemption under Clause 22B.
<p>Clause 22C - \$1,500</p>	<ol style="list-style-type: none"> 1. Veterans who suffered total disability in the line of duty and received assistance in acquiring "specially adapted housing" which they own and occupy as their domicile. 2. Spouses (where veteran's spouse owns the domicile) or surviving spouses of veterans entitled to exemption under Clause 22C.

<p>Clause 22D – Full</p>	<p>Surviving spouses (who have never remarried) of (1) military personnel (including members of the National Guard on active duty) who went missing in action during active duty and are presumed to have died, or (2) military personnel (including members of the National Guard on active duty) or veterans who died as a proximate result of an injuries sustained or illnesses contracted during active duty service.</p> <p>A surviving spouse must have lived in Massachusetts for at least 5 consecutive years before the tax year begins (or lived in Massachusetts for at least 1 consecutive year before the tax year begins, if the legislative body of your city or town has voted to accept this local option). If not, the deceased military or guard member or veteran had to have been domiciled in Massachusetts for at least 6 consecutive months before entering the service.</p>
<p>Clause 22E - \$1,000</p>	<ol style="list-style-type: none"> 1. Veterans who have a service connected disability of 100%. 2. Spouses (where veteran’s spouse owns the domicile) or surviving spouses of veterans entitled to exemption under Clause 22E.
<p>Clause 22F – Full</p>	<ol style="list-style-type: none"> 1. Veterans who are paraplegics, or have a 100% disability for service-connected blindness. 2. Spouses (where veteran’s spouse owns the domicile) or surviving spouses of veterans entitled to exemption under Clause 22F.
<p>Clause 22A, 22B, 22C, 22E and 22F exemptions are prorated for a domicile greater than a single-family house. The exemption is the same percentage of the tax as the part of the house occupied by the veteran, or if deceased, the surviving spouse, for example, 50% if one unit of a two-family house is occupied by the veteran or surviving spouse.</p>	

<p>APPEALS</p>	
<p>Appellate Tax Board</p>	<p>The Appellate Tax Board (ATB) is an independent, quasi-judicial state board that hears taxpayer appeals from local assessors’ decisions on property tax abatements and exemptions. If county government has not been abolished, appeals may be made to the county commissioners instead, but assessors may and usually do transfer those appeals to the ATB. ATB decisions may be appealed to the Appeals Court and, ultimately, to the Supreme Judicial Court.</p> <p>You can obtain the ATB’s guide to the property tax appeal process from its website (www.mass.gov/atb) or by calling 617-727-3100.</p>

<p>Appeal of Action of Assessors</p>	<p>You have three months from the date of the assessors' decision on your exemption application to appeal to the ATB. This includes decisions to deny any exemption or to grant an exemption that provides a lesser benefit. If the application was deemed denied, your appeal must be filed within three months of the deemed denied date. As a general rule, if the real estate tax on your domicile is over \$5,000, you must also have paid all preliminary and actual tax installments on time for the ATB to hear your appeal.</p> <p>The assessors may grant the exemption or higher exemption in final settlement of your application during the three month period for filing an appeal. In that case, you do not have to have filed an appeal with the ATB. However, if a settlement is not reached and an exemption not granted during that period, you must have filed your appeal by the deadline. If not, the ATB cannot hear the appeal.</p>
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<p>ASSESSMENT AND EXEMPTION CALENDAR</p>	
<p>January 1</p>	<p>Property Tax Assessment Date for Next Fiscal Year</p>
<p>July 1</p>	<p>Fiscal Year Begins Real Estate Exemption Eligibility Date for Fiscal Year</p>
<p>October - December</p>	<p>Actual Tax Bills Mailed for Fiscal Year</p>
<p>November 1 (Semi-annual Payment Communities) February 1 (Quarterly Payment Communities)</p>	<p>1st Actual Tax Installment Payment Due ¹</p>
<p>April 1, or 3 Calendar Months from Mailing of Actual Tax Bill if later</p>	<p>Personal Exemption Applications to Assessors Due ²</p>

¹ Contact your assessors. The due date depends on the payment system used in your community and the date actual tax bills were mailed for fiscal year.

² Some assessors may accept applications before actual tax bills are mailed. If not, or your application is not approved, you must apply by this deadline to claim the exemption.

3 Calendar Months from Filing of Application (or Date of Written Extension Given by Taxpayer)	Assessors Grant or Deny Exemption Application Deemed Denied if Assessors Have Not Acted
3 Calendar Months from Assessors' Action on Application, or Deemed Denial of Application	Appeal to ATB Due

Chpt 59, Section 5 Clauses 41C, 41C2

cities and towns which accept the provisions of this clause, the provisions of clause Forty-first shall not be applicable; provided, however, that any amount of money annually appropriated by the commonwealth for the purpose of reimbursing cities and towns for taxes abated under this clause and clause Forty-first shall be distributed as provided in said clause Forty-first.

Forty-first C, Real property, to the amount of four thousand dollars of taxable valuation or the sum of five hundred dollars, whichever would amount in an exemption of the greater amount of taxes due, of a person who has reached his seventieth birthday prior to the fiscal year for which an exemption is sought and occupied by said person as his domicile, or of a person who owns the same jointly with his spouse, either of whom has reached his seventieth birthday prior to the fiscal year for which an exemption is sought and occupied by them as their domicile, or for a person who has reached his seventieth birthday prior to the fiscal year for which an exemption is sought who owns the same jointly or as a tenant in common with a person not his spouse and occupied by him as his domicile; provided: (A) that such person (1) has been domiciled in the commonwealth for the preceding ten years, (2) has so owned and occupied such real property or other real property in the commonwealth for five

years, or (3) is a surviving spouse who inherits such real property and has occupied such real property in the commonwealth five years and who otherwise qualified under this clause; (B) that such person had, in the preceding year gross receipts from all sources of less than thirteen thousand dollars, or if married, combined gross receipts with his spouse of less than fifteen thousand dollars, provided, however, that in computing the gross receipts of an applicant under this clause ordinary business expenses and losses may be deducted, but not personal or family expenses; and provided, further, that there shall be deducted from the total amount received by the applicant under the federal social security or railroad retirement and from any annuity, pension, or retirement plan established for employees of the United States government, the government of the commonwealth, or the government of any city, town, county, or special district, included in such gross receipts, an amount equivalent to the minimum payment then payable under said federal social security law, as determined by the commissioner of revenue, to a retired worker seventy years of age or over, if the applicant is unmarried, or to a retired worker and spouse, both of whom are seventy years of age or over, if the applicant is married; and (C) that such person had a whole estate, real and personal, not in excess of twenty-eight thousand dollars, or if married, not in excess of thirty thousand dollars, provided that real property occupied as his

domicile shall not be included in computing the whole estate except for any portion of said property which produces income and exceeds two dwelling units. A city, by vote of its council and approval of its mayor, or a town, by vote of town meeting, may adjust the following factors contained in these provisions by: 1) reducing the requisite age of eligibility to any person age 65 years or older; 2) increasing either or both of the amounts contained in the first sentence of this clause, by not more than 100 per cent; 3) increasing the amounts contained in subclause (B) of said first sentence whenever they appear in said subclause from \$13,000 to not more than \$20,000 and from \$15,000 dollars to not more than \$30,000; 4) increasing the amounts contained in subclause (C) of said first sentence whenever they appear in said subclause from \$28,000 dollars to not more than \$40,000 and from \$30,000 to not more than \$55,000; and 5) by further excluding from the determination of whole estate up to 3 dwelling units. In the case of real property owned by a person jointly or as a tenant in common with a person not his spouse, the amount of his exemption under this clause shall be that proportion of four thousand dollars valuation or the sum of five hundred dollars, whichever would result in an exemption of the greater amount of taxes due, which the amount of his interest in such property bears to the whole tax due, provided: (A) that no exemption shall be granted to any joint tenant or

tenant in common unless the gross receipts from all sources whatsoever of each joint tenant or tenant in common is less than thirteen thousand dollars or, if married, the combined gross receipts from all sources whatsoever, of each joint tenant or tenant in common and his spouse is less than fifteen thousand dollars, provided, however, that in computing the gross receipts of an applicant under this clause ordinary business expenses and losses may be deducted, but not personal or family expenses; and provided, further, that there shall be deducted from the total amount received by the applicant under the federal social security or railroad retirement and from an annuity, pension, or retirement plan established for employees of the United States government, the government of the commonwealth, or the government of any city, town, county, or special district, included in such receipts, an amount equivalent to the minimum payment then payable under said federal social security law, as determined by the commissioner of revenue, to a retired worker seventy years of age or over, if the applicant is unmarried, or to a retired worker and spouse, both of whom are seventy years of age or over, if the applicant is married; and (B) that the combined whole estate, real and personal, of each joint tenant or tenant in common is less than twenty-eight thousand dollars or, if married, the combined whole estate, real and personal of each joint tenant or tenant in common and his spouse does not exceed thirty thousand dollars, provided

that real property occupied as their domicile shall not be included in computing the whole estate except for any portion of said property which produces income and exceeds two dwelling units. No proportion of the exemption shall be denied to any applicant otherwise qualified for the reason that another joint tenant or tenant in common receives a proportion of the total exemption. Household furnishings and property already exempt under the clauses Twelfth, Twentieth, Thirty-first, and Thirty-fifth shall not be included in computing the whole estate for purposes of this section. Where a portion of the real property occupied as a domicile of an applicant under this clause is located within a municipality other than the municipality in which the applicant is domiciled, and where the value of said property, or the taxes, assessed by the municipality in which such applicant is domiciled would result in his receiving less than the maximum exemption provided by this clause, that part of the property of such applicant within such other municipality shall be exempt to a value, or to an amount of tax, sufficient to grant the applicant the total maximum exemption provided by the clause. This clause shall take effect in any city or town upon its acceptance by such city or town for fiscal years commencing on or after July first, nineteen hundred and eighty-six, or for fiscal years commencing on or after such later July first as the city or town may elect. In those cities and towns which accept the provisions of this

clause, the provisions of clause Forty-first and Forty-first B shall not be applicable; provided, however, that any amount of money annually appropriated by the commonwealth for the purpose of reimbursing cities and towns for taxes abated under this clause, clause Forty-first and clause Forty-first B shall be distributed as provided in said clause Forty-first.

Forty-first C1/2, Real property, of an amount equal to 5 per cent of the average assessed value of all Class one parcels within the city or town of the principal residence of a taxpayer as used by the taxpayer for income tax purposes of a person who has reached his seventieth birthday before the beginning of the fiscal year for which an exemption is sought and occupied by the person as his domicile, or of a person who owns the same jointly with his spouse, either of whom has reached his seventieth birthday before the beginning of the fiscal year for which an exemption is sought and occupied by them as their domicile, or of a person who has reached his seventieth birthday before the beginning of the fiscal year for which an exemption is sought who owns the same jointly or as a tenant in common with a person not his spouse and occupied by him as his domicile if: (A) the person: (1) has been domiciled in the commonwealth for the preceding 10 years; (2) has owned and occupied the real property or other real property in the commonwealth for 5 years, or (3) is a surviving spouse

who inherits the real property and has occupied this real property in the commonwealth for 5 years and who otherwise qualified under this clause; and (B) the taxpayer's gross receipts from all sources do not exceed the dollar amount calculated to be the income limits on a taxpayer's total income for a single individual who is not the head of a household for the purposes of paragraph (3) of subsection (k) of section 6 of chapter 62 for the most recently completed state tax year, as determined by the commissioner of revenue.

A city or town, by vote of its legislative body, subject to its charter, may adjust the exemption contained in this clause by: (1) increasing the amount of the exemption to as much as 20 per cent of the average assessed value of all Class one parcels within the city or town; (2) reducing the requisite age of eligibility to any person age 65 years or older; and (3) reducing the residency requirements to not less than 5 years; and (4) utilizing income limits on a household basis rather than on a single applicant basis for real estate tax exemptions.

This clause shall take effect in any city or town that votes to accept its terms at the next regularly scheduled municipal election for any fiscal year commencing on or after July 1, 2006. The question appearing on the official ballot shall be in the following form:

"Shall section ____ of the acts of ____ granting real estate property tax reductions to qualifying senior citizens be accepted?"

If a majority of the votes cast in answer to this question is in the affirmative, the clause shall take effect, but not otherwise.

In those cities and towns that accept this clause, clauses Forty-first, Forty-first B and Forty-first C shall not apply but any amount of money annually appropriated by the commonwealth for the purpose of reimbursing cities and towns for taxes abated under this clause, clause Forty-first, clause Forty-first B and clause Forty-first C shall be distributed as provided in said clause Forty-first.

Forty-first D, The amounts of the gross receipts and whole estate, real and personal, as set forth in clauses Forty-first, Forty-first B and Forty-first C, shall be increased annually by an amount equal to the increase in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics, for such year. The department of revenue shall annually inform each city or town that accepts this clause of the amount of this increase. This clause shall take effect in a city or town upon its acceptance by such city or town. Acceptance of this clause by a city or town shall not increase its reimbursement by the commonwealth under this section.

Date Received

Application No.

Parcel Id.

Name of City or Town

Senior Exemption Clause 41C1/2

(Seniors 65 and Older)

FISCAL YEAR _____ APPLICATION FOR STATUTORY EXEMPTION

General Laws Chapter 59, § 5

THIS APPLICATION IS NOT OPEN TO PUBLIC INSPECTION

(See General Laws Chapter 59, § 60)

Return to: Board of Assessors

Must be filed with assessors on or before December 15 or 3 months after actual (not preliminary) tax bills are mailed for fiscal year if later.

Exception: Seniors must file by the earlier abatement application deadline if local option Clause 41C1/2 accepted. See Assessors.

INSTRUCTIONS: Complete all sections that apply. If you qualify under more than one category, you will receive the Exemption that provides the greatest amount of assistance. Please print or type.

A. IDENTIFICATION. Complete this section fully.

Name of Applicant _____

Telephone Number _____ Marital Status _____

Legal Residence (Domicile on July 1, _____) Mailing Address (If different) _____

No. Street City/Town Zip Code _____

Location of Property: _____ No. of Dwelling Units: 1 2 3 4 Other _____

Did you own the property on July 1, _____? Yes No

If yes, were you: Sole Owner Co-owner with Spouse Only Co-owner with Others

Was the property subject to a trust as of July 1, _____? Yes No

If yes, please attach trust instrument including all schedules.

Have you been granted any exemption in any other city or town (MA or other) for this year? Yes No

If yes, name of city or town _____ Amounted exempted \$ _____

DISPOSITION OF APPLICATION (ASSESSORS' USE ONLY)

Ownership GRANTED Assessed Tax \$ _____

Occupancy DENIED Exempted Tax \$ _____

Status DEEMED DENIED Adjusted Tax \$ _____

Income **BILL #** _____

Assets Board of Assessors

Date Voted/Deemed Denied _____

Certificate No. _____

Date Cert./Notice Sent _____

Exemption: Clause _____ Date: _____

FILING THIS FORM DOES NOT STAY THE COLLECTION OF YOUR TAXES

THIS FORM APPROVED BY THE COMMISSIONER OF REVENUE

B. DATE OF BIRTH AND PREVIOUS ADDRESSES (if applicable).

SENIOR 70 OR OLDER (65 or older by local option – See Assessors) Date of Birth _____
If first year of application, attach copy of birth certificate.

Have you owned and occupied the property as your domicile for at least 11 years? Yes No
 (6 years if local option under Clause 41C1/2 adopted – See Assessors)

If no, list the other properties you owned and/or occupied during the past 11 years (6 years if local option under Clause 41C1/2 adopted – See Assessors.)

Address	Dates	Owned	Occupied
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

Continue list on attachment in same format as necessary

GO ON TO SECTION C

C. GROSS RECEIPTS FROM ALL SOURCES IN PRECEDING CALENDAR YEAR. Complete this section if you are a senior.
 Copies of your federal and state tax income returns, and other documentation, may be requested to verify your income.

	Applicant & Spouse
Retirement Benefits (Social Security, Railroad, Federal, MA & Political Subdivisions).....	
Other Pensions and Retirement Allowances.....	
Wages, Salaries and other Compensation.....	
Net Profits from Business, Profession or Property Rental.....	
Interest and Dividends.....	
Other Receipts (Capital Gains, Public Assistance, etc.).....	
TOTALS	

D. SIGNATURE. Sign here to complete the application.

This application has been prepared or examined by me. Under the pains and penalties of perjury, I declare that to the best of my knowledge and belief, this return and all accompanying documents and statements are true, correct and complete.

Signature _____ Date _____
 if signed by agent, attach copy of written authorization to sign on behalf of taxpayer.

The Commonwealth of Massachusetts

17	22	37	41	42&43
Assessors' Use only				
Date Received _____				
Application No. _____				
Parcel Id. _____				

WEST STOCKBRIDGE
Name of City or Town

SENIOR – SURVIVING SPOUSE OR MINOR – VETERAN – BLIND
FISCAL YEAR _____ APPLICATION FOR STATUTORY EXEMPTION
General Laws Chapter 59, § 5

THIS APPLICATION IS NOT OPEN TO PUBLIC INSPECTION
(See General Laws Chapter 59, § 60)



Return to: Board of Assessors

Must be filed with assessors on or before April 1, or 3 months after actual (not preliminary) tax bills are mailed for fiscal year if later.

INSTRUCTIONS: Complete all sections that apply. If you qualify under more than one category, you will receive the exemption that provides the greatest amount of assistance. Please print or type.

A. IDENTIFICATION. Complete this section fully.

Name of Applicant _____
 Telephone Number _____
 Legal Residence (Domicile) on July 1, _____
 Marital Status _____
 Mailing Address (if different) _____

No. Street City/Town Zip Code
 Location of Property: _____
 No. of Dwelling Units: 1 2 3 4 Other _____

Did you own the property on July 1, _____? Yes No
 If yes, were you: Sole Owner Co-owner with Spouse Only Co-owner with Others

Was the property subject to a trust as of July 1, _____? Yes No
 If yes, please attach trust instrument including all schedules.

Have you been granted any exemption in any other city or town (MA or other) for this year? Yes No
 If yes, name of city or town _____ Amount exempted \$ _____

DISPOSITION OF APPLICATION (ASSESSORS' USE ONLY)

Ownership <input type="checkbox"/>	GRANTED <input type="checkbox"/>	Assessed Tax \$ _____
Occupancy <input type="checkbox"/>	DENIED <input type="checkbox"/>	Exempted Tax \$ _____
Status <input type="checkbox"/>	DEEMED DENIED <input type="checkbox"/>	Adjusted Tax \$ _____
Income <input type="checkbox"/>		
Assets <input type="checkbox"/>		
Date Voted/Deemed Denied _____		Board of Assessors
Certificate No. _____		
Date Cert./Notice Sent _____		
Exemption: Clause _____	Date: _____	

FILING THIS FORM DOES NOT STAY THE COLLECTION OF YOUR TAXES

THIS FORM APPROVED BY THE COMMISSIONER OF REVENUE

D. VALUE OF ALL PROPERTY OWNED ON JULY 1 THIS YEAR. Complete this section if you are a (1) surviving spouse, (2) minor child of a deceased parent, or (3) senior. Documentation may be requested to verify your assets.

Real Estate	Assessed Valuation	Amount Due on Mortgage	Value
Domicile _____			
Other _____			
Personal Estate			
Bank Accounts: Name & Address of Bank			

Stocks, Bonds, Securities, etc.: Description & Amount			

Motor Vehicles & Trailers: Year, Make & Model			

Other Non-exempt Personal Property: Kind & Description			

		TOTAL	

GO ON TO SECTION E

E. SIGNATURE. Sign here to complete the application.

This application has been prepared or examined by me. Under the pains and penalties of perjury, I declare that to the best of my knowledge and belief, this return and all accompanying documents and statements are true, correct and complete.

Signature Date

If signed by agent, attach copy of written authorization to sign on behalf of taxpayer.

SURVIVING SPOUSE Deceased Spouse's Name _____
 Date of Death _____
 Have you remarried? Yes No If yes, date of remarriage _____

MINOR WITH PARENT DECEASED Deceased Parent's Name _____
 Date of Death _____

If first year of application, attach a copy of death certificate.

Are you a surviving spouse or a minor child of a firefighter or a police officer killed in the line of duty? Yes No

IF NO, AND NO OTHER STATUS APPLIES TO YOU, GO ON TO SECTION D

If yes, and this is the first year of application, provide circumstances of death.

GO ON TO SECTION E

SENIOR 70 OR OLDER (65 or older by local option- See Assessors) Date of Birth _____

If first year of application, attach copy of birth certificate.

Have you owned and occupied the property as your domicile for at least 11 years? Yes No
 (6 years if local option under Clause 41C½ adopted - See Assessors)

If no, list the other properties you owned and/or occupied during the past 11 years (6 years if local option under Clause 41C½ adopted - See Assessors.)

Address	Dates	Owned	Occupied
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

Continue list on attachment in same format as necessary.

GO ON TO SECTION C

C. GROSS RECEIPTS FROM ALL SOURCES IN PRECEDING CALENDAR YEAR. Complete this section if you are a senior.
 Copies of your federal and state tax income returns, and other documentation, may be requested to verify your income.

	Applicant & Spouse	Co-owner(s) & Spouse(s)
Retirement Benefits (Social Security, Railroad, Federal, MA & Political Subdivisions)		
Other Pensions and Retirement Allowances.....		
Wages, Salaries and other Compensation		
Net Profits from Business, Profession or Property Rental.....		
Interest and Dividends.....		
Other Receipts (Capital Gains, Public Assistance, etc.)		
TOTALS		

GO ON TO SECTION D

TAXPAYER INFORMATION ABOUT PERSONAL EXEMPTIONS

PERSONAL EXEMPTIONS. You may be eligible to reduce all or a portion of the taxes assessed on your domicile if you meet the qualifications for one of the personal exemptions allowed under Massachusetts law. Qualifications vary, but generally relate to age, ownership, residency, disability, income or assets.

You may be eligible for an exemption if you fall into any of these categories:

- Legally blind person
- Veteran with a service-connected disability
- Surviving spouse of servicemember, national guard member or veteran who died from active duty injury or illness
- Minor child of deceased parent
- Surviving Spouse
- Senior citizen age 70 and older (65 and older by local option)

More detailed information about the qualifications for each exemption may be obtained from your board of assessors.

WHO MAY FILE AN APPLICATION. You may file an application if you meet all qualifications for a personal exemption as of July 1. You may also apply if you are the personal representative of the estate, or trustee under the will, of a person who qualified for a personal exemption on July 1.

WHEN AND WHERE APPLICATION MUST BE FILED. Your application must be filed with the assessors on or before April 1, or 3 months after the actual bills were mailed for the fiscal year, whichever is later. An application is filed when (1) received by the assessors on or before the filing deadline, or (2) mailed by United States mail, first class postage prepaid, to the proper address of the assessors, on or before the filing deadline, as shown by a postmark made by the United States Postal Service. **THIS DEADLINE CANNOT BE EXTENDED OR WAIVED BY THE ASSESSORS FOR ANY REASON. IF YOUR APPLICATION IS NOT TIMELY FILED, YOU LOSE ALL RIGHTS TO AN EXEMPTION AND THE ASSESSORS CANNOT BY LAW GRANT YOU ONE.**

PAYMENT OF TAX. Filing an application does not stay the collection of your taxes. In some cases, you must pay all preliminary and actual installments of the tax when due to appeal the assessors' disposition of your application. Failure to pay the tax when due may also subject you to interest charges and collection action. To avoid any loss of rights or additional charges, you should pay the tax as assessed. If an exemption is granted and you have already paid the entire year's tax as exempted, you will receive a refund of any overpayment.

ASSESSORS DISPOSITION. Upon applying for an exemption, you may be required to provide the assessors with further information and supporting documentation to establish your eligibility. The assessors have 3 months from the date your application is filed to act on it unless you agree in writing before that period expires to extend it for a specific time. If the assessors do not act on your application within the original or extended period, it is deemed denied. You will be notified in writing whether an exemption has been granted or denied.

APPEAL. You may appeal the disposition of your application to the Appellate Tax Board, or if applicable, the County Commissioners. The appeal must be filed within 3 months of the date the assessors acted on your application, or the date your application was deemed denied, whichever is applicable. The disposition notice will provide you with further information about the appeal procedure and deadline.

MA Department of Revenue
 Division of Local Services
 Preliminary Municipal Cherry Sheet Estimates
 Data current as of 7/31/2023

[Return to Previous page](#)

[Click for all Municipalities by Program](#)

Select a Fiscal Year:

Select a Municipality:

FY2024 Preliminary Cherry Sheet Estimates
 West Stockbridge

- [Estimated Receipts](#)
- [Estimated Assessments & Charges](#)

PROGRAM	FY2023 Cherry Sheet Estimate	FY2024 Governor's Local Aid Proposal	FY2024 House Budget Proposal	FY2024 Senate Budget Proposal	FY2024 Conference Committee
Education Receipts:					
Chapter 70	0	0	0	0	0
School Transportation	0	0	0	0	0
Charter Tuition Reimbursement	0	0	0	0	0
Smart Growth School Reimbursement	0	0	0	0	0
Offset Receipts:					
School Choice Receiving Tuition	0	0	0	0	0
Sub-Total, All Education Items:	0	0	0	0	0
General Government:					
Unrestricted Gen Gov't Aid	112,633	114,886	114,435	116,237	116,237
Local Share of Racing Taxes	0	0	0	0	0
Regional Public Libraries	0	0	0	0	0
Veterans Benefits	12,423	8,113	8,113	8,113	8,113
Exemp: VBS and Elderly	3,963	2,794	2,780	2,780	2,780
State Owned Land	118,975	134,737	134,737	134,737	134,737
Offset Receipts:					
Public Libraries	4,190	4,298	4,096	4,298	4,298
Sub-Total, All General Government:	252,184	264,828	264,161	266,165	266,165
Total Estimated Receipts:	252,184	264,828	264,161	266,165	266,165

Questions or Assistance Please Email The Municipal Databank at :databank@dor.state.ma.us

3.1 Overview

There are several categories of individuals who may qualify for tax exemptions or deferrals on their domiciles because of their personal status. For each personal exemption, there are specific clauses, or local option clauses, in G.L. c. 59, § 5

Assessment Administration: Law, Procedures and Valuation

Property Tax Exemptions

7 - 7

Rev. 1/23

that establish the exemption amount, eligibility requirements and state reimbursement procedures. Local option clauses are accepted by vote of the municipality's legislative body, except for the senior exemption under Clause 41C½, which is accepted by voter approval of a ballot question at a regular municipal election. Table 2 summarizes the local options for personal exemptions.

Sections 3.2, 3.11, 3.12 and 3.13 explain requirements and terms that apply to these exemptions and deferrals generally. Additional or unique requirements for particular exemptions are discussed in Sections 3.3 to 3.10.

UNIQUE TO NO MORE THAN A LOW FAMILY HOUSE.

3.3.5 Clause 41C½ Eligibility Factor Options

Assessment Administration: Law, Procedures and Valuation

Property Tax Exemptions

7 - 12

Rev. 1/23

The local option Clause 41C½ exemption for seniors is based on reduction of assessed valuation, no asset limit, and a gross receipts limit tied to the circuit breaker state income tax credit. In municipalities that have accepted alternative Clause 41C½, the legislative body may vote to adjust the following eligibility factors:

- Reduce the eligibility age to 65 years old.
- Increase the exemption amount by up to 20 percent of the average assessed valuation of residential property.
- Reduce the durational residency requirement to five years.

Economics

Margin of error is at least 10 percent of the total value. Take care with this statistic.

Income

\$48,741

Per capita income

about 25 percent higher than the amount in Berkshire County: \$39,952 about the same as the amount in Massachusetts: \$48,617

\$83,571

Median household income

about 1.3 times the amount in Berkshire County: \$63,159 a little less than the amount in Massachusetts: \$89,026

Household income



Show data / Embed

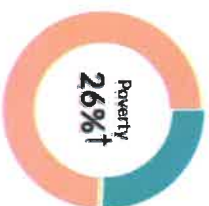
Poverty

12.5%

Persons below poverty line

about 25 percent higher than the rate in Berkshire County: 10.1% about 25 percent higher than the rate in Massachusetts: 9.9%

Children (Under 18)



Show data / Embed

Seniors (65 and over)



Show data / Embed

Transportation to work

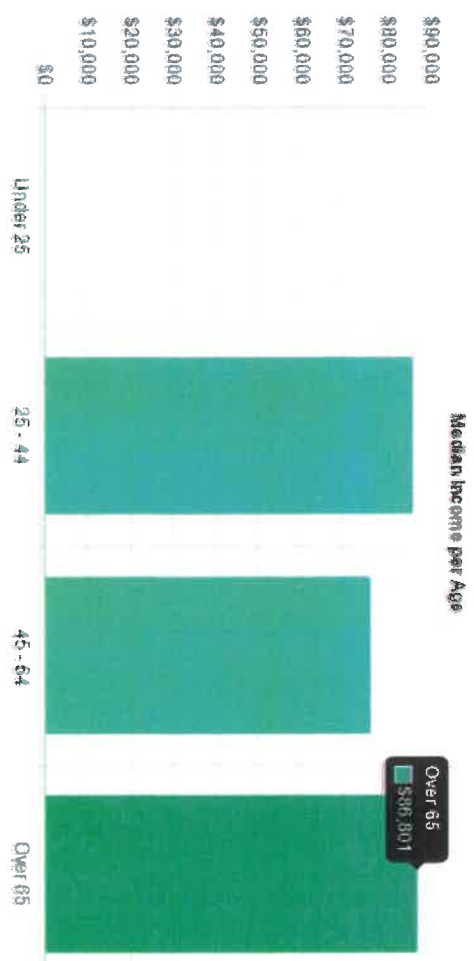
Means of transportation to work

Margin of error is at least

What are the median and average incomes in West Stockbridge?

The average annual household income in West Stockbridge is \$133,577, while the median household income sits at \$85,406 per year.

		Y-o-Y Change
Average Household Income	\$133,577	7.3%
Median Household Income	\$85,406	10.2%
People below Poverty Level	97	-14.2%
People above Poverty Level	823	-29.0%



How many homeowners and renters are there in West Stockbridge?

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[Reject All](#)

[Accept All Cookies](#)

West Stockbridge, Massachusetts population age distribution

A complete breakdown of West Stockbridge town's age demographics from 0 to 85 years, distributed across 18 age groups is listed in the table below.

Age Group	Population	% of Total Population
Under 5 years	79	6.79%
5 to 9 years	43	3.69%
10 to 14 years	80	6.87%
15 to 19 years	54	4.64%
20 to 24 years	38	3.26%
25 to 29 years	23	1.98%
30 to 34 years	32	2.75%
35 to 39 years	43	3.69%
40 to 44 years	86	7.39%
45 to 49 years	97	8.33%
50 to 54 years	138	11.86%
55 to 59 years	128	11%
60 to 64 years	73	6.27%
65 to 69 years	125	10.74%
70 to 74 years	72	6.19%
75 to 79 years	25	2.15%
80 to 84 years	12	1.03%
85 years and over	16	1.37%

Source: <https://www.neilsberg.com/insights/west-stockbridge-ma-population-by-age/#pop-pyramid>

What is the aging population in West Stockbridge, Massachusetts?

West Stockbridge town's population aged 65 years and above was 250. As per the U.S. Census Bureau's American Community Survey, this population is 21.48% of the entire population.

What is the median income in West Stockbridge MA?

Median Income

In 2021, the median household income of West Stockbridge households was **\$83,571**

What are the median and average incomes in West Stockbridge?

[top](#)

The average annual household income in West Stockbridge is \$133,577, while the median household income sits at \$85,406 per year

Average Household Income	\$133,577	7.3%
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Average Household Income \$133,577 7.3%

Median Household Income \$85,406 10.2%

People below Poverty Level 97 -14.2%

People above Poverty Level 823 -29.0

<https://www.point2homes.com/US/Neighborhood/MA/The-Berkshires/West-Stockbridge-Demographics.html>

Median non-family income in West Stockbridge in 2021: West Stockbridge: \$34,663 State: \$52,250
Change in median non-family income between 2000 and 2021: West Stockbridge, Massachusetts: +48.9% State: +75.5%
Median per capita income in West Stockbridge in 2021: West Stockbridge: \$62,131 Massachusetts: \$49,746
Change in median per capita income between 2000 and 2021: West Stockbridge, Massachusetts: +97.7% State: +91.7%

Read more: <https://www.city-data.com/income/income-West-Stockbridge-Massachusetts.html>

Income and Salaries for West Stockbridge

- The average income of a West Stockbridge resident is \$37,105 a year. The US average is \$28,555 a year.

- The Median household income of a West Stockbridge resident is \$83,571 a year. The US average is \$69,021 a year.

https://www.bestplaces.net/economy/city/massachusetts/west_stockbridge

Ryan, Marie

From: Andy Potter <andy.potter@nara.gov>
Sent: Wednesday, December 20, 2023 9:54 AM
To: Ryan, Marie
Subject: Two items for the agenda

Discuss Short-term Rental Community Impact Fee

Also, Review the Current Rooms Tax Rate

Andy Potter
He/him/his
Residing and working on the ancestral lands of the Stockbridge-Munsee Mohicans
Senior Electronic Records Policy Analyst
Office of the Chief Records Officer
U.S. National Archives and Records Administration
andy.potter@nara.gov
413.236.3605 Office
413-429-5165 Cell

Perfection has to do with the end product, but excellence has to do with the process.



Massachusetts General Law on 3% Excise Tax on Short-Term Rentals

The Massachusetts General Law enacted a 3% excise tax on short-term rentals, commonly called the "Airbnb tax" or "short-term rental tax." This tax was introduced to regulate and generate revenue from the growing short-term rental market, which includes platforms like Airbnb, HomeAway, and VRBO. The tax is applied to the total rent charged for the short-term rental, including any additional fees.

Implementation by Towns:

Towns in Massachusetts have the authority to implement the 3% excise tax on short-term rentals within their jurisdiction. Individual towns can decide whether to adopt and enforce this tax. The implementation process generally involves the following steps:

Legislation: The town's local government needs to pass an ordinance or bylaw that outlines the details of the tax implementation, including the rate (which is typically 3% of the total rent), the collection process, and reporting requirements.

Registration and Collection: Hosts or property owners who offer short-term rentals within the town's jurisdiction must register their rental units with the local government. They must also collect the 3% tax from renters when booking and remit it to the town's tax authority.

Reporting and Compliance: Property owners must keep accurate records of their rental activity, including the taxes collected. They are typically required to submit regular reports and payments to the local tax authority.

Enforcement: Towns may have mechanisms to ensure compliance with the tax regulations, including penalties for hosts who fail to register, collect, or remit the required taxes.

Advantages:

Revenue Generation: The primary advantage of the 3% excise tax is revenue generation for local municipalities. This additional revenue can be used to fund various local projects and services.

Regulation: The tax helps regulate the short-term rental market, ensuring hosts comply with local laws and regulations.

Level Playing Field: Hotels and other lodging establishments are often subject to taxes and regulations, and the short-term rental tax helps create a more level playing field by subjecting short-term rentals to similar taxation.

Earmarking for Affordable Housing:

Sometimes, towns or cities might earmark some revenue generated from the 3% excise tax for affordable housing initiatives. This can effectively address the housing affordability challenges in areas with a significant short-term rental market. However, the decision to earmark funds for affordable housing would be at the discretion of the local government, and the specific allocation and usage of those funds would depend on local priorities and needs.

DCR Code	Municipality	Current Rooms Tax Rate	Current Rooms Tax Effective Date
113	Great Barrington	0.06	7/1/2010
150	Lee	0.06	4/1/2010
152	Lenox	0.06	4/1/2010
193	Monterey	0.06	7/1/2023
225	Otis	0.06	10/1/2021
249	Richmond	0.04	7/1/2002
260	Sandisfield		
267	Sheffield	0.06	7/1/2019
283	Stockbridge	0.06	10/1/2021
326	West Stockbridge	0.04	4/1/1994

Short-term Rental Community Impact Fee Effective Date
10/1/2022
7/1/2023

Short-Term Rental Professionally Managed Option

Y
Y

Short-term Assets included within 2.3 Family Home

Y
Y



**TOWN OF WEST STOCKBRIDGE
2024 Annual Entertainment License
License Fee 100.00**

In accordance with the provisions of Massachusetts General Laws, Chapter 140 §183A amended, Chapter 351 §85 of acts of 1981 and Chapter 140 §181, this license is hereby granted to:

Organization or Business Name:

TurnPark Art Space

D/B/A (if applicable):

TurnPark Art Space

Business or Organization Location:

2 Moscow Road, West Stockbridge, MA 01266

Mailing Address (if different than above):

P.O. Box 194, West Stockbridge, MA 01266

to conduct the amusements as herein described:

Type(s) of Entertainment:

Performing Arts: Music, Theater, Film, Dance, Poetry and Open Mic.

Exact Location of Entertainment:

2 Moscow Road, West Stockbridge, MA 01266

Day(s) of Entertainment:

Monday through Saturday

Times of Entertainment:

Mondays through Saturdays from 5 PM – 9 PM for amplified music and until 10 PM for non-amplification

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

License granted by the SELECT BOARD
December 4, 2023

Expiration Date:

January 1, 2025

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



TOWN OF WEST STOCKBRIDGE
2023 Annual Entertainment License
License Fee 100.00

In accordance with the provisions of Massachusetts General Laws, Chapter 140 §183A amended, Chapter 351 §85 of acts of 1981 and Chapter 140 §181, this license is hereby granted to:

Organization or Business Name:

TurnPark Art Space

D/B/A (if applicable):

TurnPark Art Space

Business or Organization Location:

2 Moscow Road, West Stockbridge, MA 01266

Mailing Address (if different than above):

P.O. Box 194, West Stockbridge, MA 01266

to conduct the amusements as herein described:

Type(s) of Entertainment:

Performing Arts: Music, Theater, Film, Dance, Poetry and Open Mic.

Exact Location of Entertainment:

2 Moscow Road, West Stockbridge, MA 01266

Day(s) of Entertainment:

Monday through Saturday

Times of Entertainment:

Mondays through Saturdays from 7 PM – 10 PM

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

License granted by the SELECT BOARD
December 5, 2022

Expiration Date:

January 1, 2024

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



TOWN OF WEST STOCKBRIDGE
2022 Annual Entertainment License
License Fee \$100.00

In accordance with the provisions of Massachusetts General Laws, Chapter 140 §183A amended, Chapter 351 §85 of acts of 1981 and Chapter 140 §181, this license is hereby granted to:

Organization or Business Name:

TurnPark Art Space

D/B/A (if applicable):

TurnPark Art Space

Business or Organization Location:

2 Moscow Road, West Stockbridge, MA 01266

Mailing Address (if different than above): P.O. Box 194, West Stockbridge, MA 01266
to conduct the amusements as herein described:

Type(s) of Entertainment:

Performing Arts: Music, Theater, Film, Dance, Poetry and Open Mic.

Exact Location of Entertainment:

2 Moscow Road, West Stockbridge, MA 01266

Day(s) of Entertainment:

Thursdays through Saturday

Times of Entertainment:

From 1 PM to 10 PM

Conditions (if required):

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

License granted by the SELECT BOARD

Erin Dunham
Kathleen Kersey

Expiration Date:

January 1, 2023

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



TOWN OF WEST STOCKBRIDGE
2021 One Day Entertainment License
License Fee \$25.00

In accordance with the provisions of Massachusetts General Laws, Chapter 140 §183A amended, Chapter 351 §85 of acts of 1981 and Chapter 140 §181, this license is hereby granted to:

Organization or Business Name:
Jeff Palfini – Boondocks Film Society

D/B/A (if applicable):

Business or Organization Location:
269 West Cornwall Rd., West Cornwall, CT 06796

Mailing Address (if different than above):
to conduct the amusements as herein described:

Type(s) of Entertainment:
Performing Arts: Music and film

Exact Location of Entertainment:
2 Moscow Road, West Stockbridge, MA 01266

Day(s) of Entertainment:
June 23, 2021

Times of Entertainment:
From 7:30 PM until 10:30 PM

Conditions (if required):

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

License granted by the SELECT BOARD

Expiration Date:
June 24, 2021

Roger Kewenig
Erin Gendron
Kashleen Kersey

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



TOWN OF WEST STOCKBRIDGE
One Day Entertainment License Application
\$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: Jared Gelormino

Business/Organization: Turn Park Art Space

D/B/A (if applicable): _____

Address: 2 Moscow Rd W. Stockbridge, MA 01266

Mailing Address: PO Box 194

Phone Number: 727 520 3580

Email: gelorminoj@turnpark.com

TYPE: (Check all that apply) Concert Dance Exhibition Cabaret DJ
 Live band with up to ___ 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): Comedy performance
in our main building

Days of Entertainment*: 9/24/21
*Does not include SUNDAY

Start & End Times of Entertainment: 7-10 pm

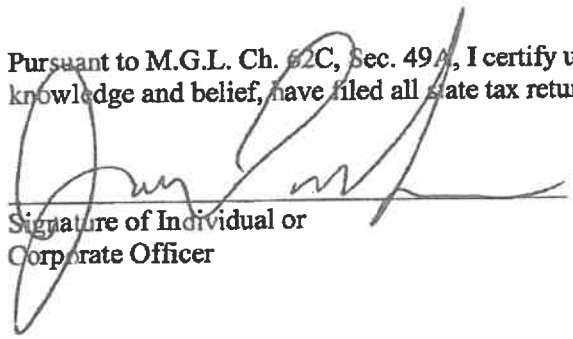
Does your event involve any of the following? (Check all that apply)

- Food Temporary Bathrooms Tents Stages Temporary Signs
 - Electrical Permits Building Permits Police Traffic Details Street Closures
- maybe depending on attendance*

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.

Special Restrictions:

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.


Signature of Individual or
Corporate Officer

8/12/21
Date

APPROVAL DATE: Aug 23, 2021

LICENSE # _____

Marie J Ryan
Town Administrator
SB meeting

TOWN OF WEST STOCKBRIDGE, MASSACHUSETTS
BOARD OF SELECTMEN
NOTICE FOR RECORDING IN THE REGISTRY



Bk: 2311 Pg: 276 SBRD
Page: 1 of 2 07/03/2015 01:11 PM

DECISION TO GRANT A SPECIAL PERMIT

(A copy to the applicant, and for filing with Town Clerk together with the Record of Proceedings and plans.)
Notice is hereby given that a Special Permit with conditions has been granted in compliance with the statutory requirements as set forth in Chapter 40A as amended.

TO: Turnpark Art Space, Inc., 133 Hanson Road, Newton, MA 02459

ADDRESS: c/o Catherine Chester, Hellman Shearn & Arienti LLP, 342 Main Street, Great Barrington, MA 01230

By the Board of Selectmen, affecting the rights of the owner with respect to the use of premises located at Moscow Road (Map 104, Lots 23 & 24), West Stockbridge

The record title stands in the name of Igor Gomberg; Ekaterina Brezgunova; Elizaveta Gomberg

Said deed will be/has been duly received in the Southern District, Berkshire County.

Registry of Deeds in Book 2252, Page 229 and Book 2217, Page 231

Registry District of Land Court, Certificate No. _____.

The decision of said Board is on file with the papers and plans in the Office of the Town Clerk.

Signed and certified this 11th day of May, 2015

BOARD OF SELECTMEN

Peter Skorput

Karen Zick

Earl B. Moffat

CERTIFICATE BY THE TOWN CLERK FOR FILING OF THE DECISION IN THE REGISTRY.

This is to certify that twenty (20) days have elapsed since filing of the above decision with this office and no appeal has been filed, or appeal has been filed and denied in the case.

Ronni Barrett, Town Clerk

WEST STOCKBRIDGE, MASSACHUSETTS
NOTICE OF DECISION

BOARD OF SELECTMEN

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

APPLICANT: Turnpark Art Space, Inc.

DATE: May 11, 2015

AFFECTED: Moscow Road (Map 104, Lots 23 & 24), West Stockbridge, MA

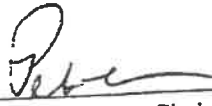
REFERRING to the above application for property of Igor Gomberg and Ekaterina Brezgunova and Elizaveta Gomberg located on Moscow Road. The applicant is requesting authorization, pursuant to Section 6.3.1, 4.11.1(8) and 4.11.1(16) to operate a Museum and Restaurant. Property is located in the C-Commercial Zone.

At a public hearing on April 27, 2015 the Board of Selectmen continued the hearing to May 11, 2015. At the public hearing held on May 11, 2015 the Board of Selectmen unanimously approved the issuance of a special permit for the proposed uses.

The decision of the Board together with a detailed record of its proceedings stating the reasons for the decision shall be filed within 14 days after hearing in the Office of the Town Clerk.

IMPORTANT: Any appeal from the decision of the Board of Selectmen can be made pursuant to Section 17, Chapter 40A (G.L.) as amended, and must be filed within twenty (20) days after the date of filing of the decision with the Town Clerk.

BOARD OF SELECTMEN



Peter Skorput, Chairman

ATTEST: Berkshire South Wanda M. Beckwith Register

**Board of Selectmen
Meeting Minutes
May 11, 2015**

6:30 PM: Open Meeting
Quorum present: Peter Skorput (PS), Chair; Earl Moffatt (EM); Karen Zick (KZ). Also present: Admin Asst Mark Webber (AA). Press present: Local Yokel.

Board reviews and approves previous meeting minutes.
Board reviews and approves weekly payroll and vendor warrants for payment.

7:00 PM: PS opens deliberation on the April 27, 2015 Public Hearing for Special Permit as submitted by Turnpark Art Space for a restaurant and museum. Present for the applicant is attorney Catherine Chester (CC).

KZ asks about the proposed service road to the park from Oak Street. KZ notes that Oak Street is a private road and is concerned with encroachment to private property. CC responds that there is a wetland between the proposed park space and walking trails and the Girdler residence and that there are no plans to approach private property lines. Furthermore, access to the park from Oak Street will not be a primary access and will be used for occasional deliveries only.

KZ asks about the tax exempt status of the park and the resultant loss of real estate tax revenue to the Town. CC responds that although the park is formed as a non-profit entity, it has not applied for tax exempt status and has no immediate plans to do so. If, in the future, the owners do apply and are granted real estate tax exempt status, CC offers that the owners may well consider a payment in lieu of taxes program.

EM has no questions or concerns, stating that all of his questions were answered at the April 27 Public Hearing.

PS, noting that there are no more questions or concerns from the Board, makes a motion to approve the Special Permit application as submitted at the April 27, 2015 with the following findings:

1. The Applicant is a not-for-profit Massachusetts corporation and the Applicant's proposed site plan and special permit application show that all aspects of the proposed project will be in compliance with the dimensional, parking and driveway requirements of the Town's zoning

bylaws except for an encroachment of the front setback by the proposed parking lot and Gatehouse building for which the Applicant has already received a variance and waiver from the Zoning Board of Appeals.

2. The proposed museum and restaurant are desirable to the public convenience at the proposed location because they would attract additional visitors to the downtown businesses, which are within walking distance to the proposed site, and the museum and restaurant would be available to the public for the enjoyment of both residents and visitors.
3. The proposed uses will not be detrimental to adjacent uses or to the established or future character of the neighborhood because (a) the proposed site is situated in a section of the commercial district near the MassPike, with few abutters; (b) the activity associated with the proposed uses is primarily quiet and passive and will not be disruptive to those few neighbors who do live nearby; and (c) the proposed project will rehabilitate and improve what is currently unused and abandoned space in the Town's commercial district.
4. The proposed change will not create undue traffic congestion or unduly impair pedestrian safety, as the site's typical use is expected, based on ITE Trip data, to generate only 19 trips per hour on the busiest day of the week during peak season and 60 vehicle trips during the peak hour of a special event on the site. Furthermore, based on Foresight Land Services engineering study of the project, Moscow Road is equipped to easily absorb this additional traffic. With regard to pedestrian safety, the applicant's proposed sidewalk, at its own cost, would mitigate the already low risk to pedestrian safety on the section of Moscow Road.
5. The applicant's proposed site plans have been reviewed by the Town's Fire Chief, Police Chief and Highway Superintendent and have shown that the proposed uses 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, general welfare or safety.

EM seconds the motion to approve. Voice vote taken: EM, aye; KZ, aye; PS, aye. Special Permit is hereby granted by unanimous vote of the special permit granting authority.

Other Business/Action/Discussion Items:

- Board has a general discussion about the contest for choosing a Town flag to be placed in the Statehouse. Once results of the contest are known, the Selectmen would choose the winner. Board thanks the organizers for their efforts and enthusiasm.
- PS asks if the Transfer Station roof is on the list for repairs. AA responds that yes it is.
- Board has a general discussion about getting the front of the Town Hall and the cannon spruced up for Memorial Day events.

7:40 PM: There being no additional business to come before the Board, PS makes a motion to adjourn the meeting. KZ seconds the motion. Vote taken, 3-0 in favor.

Meeting minutes approved by:

Peter Skorput, Chair

Earl Moffatt

Karen Zick

Date: _____

**Board of Selectmen
Meeting Minutes
April 27, 2015**

6:30 PM: Open Meeting.
Quorum present: Peter Skorput (PS), Chair; Earl Moffatt (EM), Karen Zick (KZ). Also present: Admin Asst Mark Webber (AA). Press present: Local Yokel.

Board reviews and approves previous meeting minutes.
Board reviews and approves weekly warrants.

7:00 PM: Public Hearing to hear a Special Permit application by Turnpark Art Space Inc for a museum and restaurant off of Moscow Road.

EM reads the public hearing notice as it appeared in the 4/9/15 and 4/16/15 Berkshire Eagle as follows:

Notice is hereby given that the Board of Selectmen, acting as a Special Permit Granting Authority, will hold a public hearing **at the West Stockbridge Town Offices, at 21 State Line Road, at 7p.m. on Monday, April 27, 2015** to consider the application of Turnpark Art Space, Inc. for property located on Moscow Road. The applicant is requesting authorization pursuant to Sections 6.3.1 and 4.11.1 of the Zoning Bylaws to operate a Museum and Restaurant on the site. The property is in the Commercial District.

PS opens the hearing and notes that legal notice and abutter notices were properly done in accordance with zoning bylaws and that no written comments were received by the Board prior to tonight's hearing. PS then asks the applicant to make their presentation.

Attorney Catherine Chester, from Hellman/Shearn/Arienti, represents the client and makes a presentation to the Board describing the project's proposed uses, layout, impact, benefit, and scope. Attorney Chester notes that the project had received prior approval from the Conservation Commission and Zoning Board of Appeals resulting from previous public hearings on related site issues.

Attorney Chester notes that all activities will end at dusk each day and open to the public at 10:00 AM and that there will be no amplified music. Concrete sidewalk will be extended from the Post Office to the gatehouse along Moscow Road. Signage will inform vehicles that Moscow Rd. is not a through street to keep unwanted traffic out of

residential areas. The project is described as a low impact use. Parking exceeds the minimum required under the Town's zoning bylaws. Attorney Chester reviews the findings that are required in the Board of Selectmen's eventual ruling on the application.

Both the project architect and project engineer speak to specifics about the proposals including: buildings will be constructed in harmony with the surroundings; economic benefit to the community; ample capacity of both municipal water and sewer systems to accommodate the project; restaurant capacity would be approximately 20 and would be geared towards day patrons to the museum; use of Oak Street easement for construction access but not for patrons; will be a ticketed venue although discounts for residents is under consideration; upon approvals, construction would begin shortly and would accept visitors before completion of all aspects.

PS asks if those in attendance have any comments. Jon Piasecki states that this is a great project and sensitive to the needs and wishes of locals and would utilize local contractors and materials. Peter Thorne states that he wholeheartedly supports the project. Resident asks where the project funding comes from. Attorney Chester responds that the museum will be non-profit and funding sources are private. EM asks about the term of the lease for the property and is informed that it is for 99 years.

7:55 PM: There being no additional public comment or questions from the Board, PS makes a motion to close the hearing for the purposes of public comment and to deliberate and render a decision in open session at the Board's May 11, 2015 regular meeting at 7:00PM. EM seconds the motion. Vote taken, 3-0 in favor.

Other business/discussion items:

- Board, with sadness, recognizes the passing of Transfer Station attendant Bill Pixley and has a general discussion about the need to replace Bill and to review the position's job description. EM notes that the Board of Health has a job description which could be reviewed and updated. EM notes that, per Board of Health regulation, all items deposited at the transfer station are the property of the Town. AA will draw up and advertise a help wanted posting.
- Two request for use of the gymnasium are refereed back to the applicants for more specifics regarding dates requested. Board approves two other use requests as presented: 1) art showing in the community room and downtown dance affair this summer by Morris Dance.
- PS instructs AA to research DEP grant availability to construct a 'swap shed' at the Town's transfer station.
- Parks and Recreation give an update on the upcoming Farmer's Market season and other activities, including Card Pond opening and that portable toilets have been ordered for Card Pond and the Village School ballfields.
- Resident Richard Squailia presents the Board with two items (attached), the first asking that the \$1,200 sewer connection fee be waived for those wishing to connect to the expansion zone and (second) Board approval of a property tax credit for those forced to connect to the sewer system. PS will refer the requests to the Sewer and Water Commissioners. EM asks Mr Squailia why he is giving the connection fee letter to the Selectmen when it is addressed to the Sewer and Water Commission and that both requests are not on the evening's meeting agenda. Mr Squailia responds that it is being offered as a courtesy.
- 8:40 PM: PS makes a motion to enter executive session per MGL 39:23b to consider the

Dear Members of the WS Select Board,

December 14, 2023

We, the undersigned West Stockbridge residents and business owners are presenting this letter to you because we feel the decision made by the WS Select-board on Monday, December 4th 2023 to change the conditions for an Annual Entertainment License for TurnPark Sculpture Park was inappropriately and hurriedly decided upon while based on just one person's complaint and without adequate discussion or a fair opportunity for TurnPark to present their defense. Upon further review of the facts, we believe this ruling should be reversed.

We understand information can be presented by the WS Police Department, who were called the night of June 10th to monitor the sound levels at TurnPark that will verify that no sound ordinances were violated, and no citations were issued. The Foundry, which also had an event that night from 7-9PM, has a sound decibel level log and coinciding audio recorded on calibrated and certified professional equipment at their property line, available for review. These recordings (which are required by their Special Permit conditions) indicate no breach of their required decibel level restrictions. Furthermore, the event in question took place 10 times farther away than the Foundry is to the complainants' Commercial property with no other residential homes nearby. While we don't want the Zucchini Festival's permit altered, it is inconsistent that the Zucchini Festival is allowed to operate until 10PM while generating a much higher "decibel level" and takes place much nearer to the complainant's property than TurnPark.

TurnPark's existing License has been a key component for their annual entertainment and event planning. Their events draw residents from throughout the Berkshire's and beyond to our Business District helping other businesses in town and are often Fund-Raising events. The June 10 event donated a portion of the proceeds to aiding Ukraine.

Instead of adding layers of restrictions, we feel it is the Select Board's role to help the operating businesses in our downtown Business District to thrive and to encourage the cultural and economic activity that they provide to the town. June 10 was a particularly successful summer evening for the arts in our downtown district with three performance events occurring in three different locations which also included the West Stockbridge Historical Society. These events brought many people to our beautiful village to shop, eat and find community.

NAME:	ADDRESS or BUSINESS
Elizabeth Morse	3 Birch Hill Rd
Elizabeth Morse	
Ronald Feldman	3 Birch Rd
Ronald Feldman	
ERIC WILSON SHAKER MILL BOOKS	3 DEPOT ST
Sandy Hempler	22 Main Street,
Jared Rubler	9 Schumacher Lane
Melissa Green	7 Cone Hill Rd.
John Whalen	14 STATE LINE Rd
Robert Salasna	34 BIRCH HILL RD
Margaret Skaggs	34 Birch Hill Rd.
NICK SPAIN	11 ALBANY RD.
MICHAEL BOLOGNINO	11 ALBANY RD

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NAME:
 DAN BUEHLER
 Vicki Bonnington
 David & Schocker
 Joel H. Huhns
 Sandra Huhns
 Scott Jervas
 Suzanne Crevar/
 Eric Shimelonis
 Rebecca Sheir
 Shayna K. Tomlin
 JOHN ELLING
 Brenda ELLING

ADDRESS or BUSINESS
 9 SILVERMINE LA. WS
 245 Great Barrington Rd. WS
 245 Great Barrington Rd. WS
 2 Peaceable Hill WS
 2 Peaceable Hill WS
 99 West Center Rd
 38 Main St. WS.
 Rte 41 S. WS MA *
 Rte 41 S. WS MA *
 *EMAIL PERMISSION TO SIGN
 11 MAPLE ST W. Stock
 269 Gt Barrington Rd *
 " " " " *
 *EMAIL PERMISSION TO SIGN *

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NAME:	ADDRESS or BUSINESS
<i>Ann Kellen</i>	<i>137 GB Rd.</i>
<i>Steven D'Amor Queensboro</i>	<i>26 Main St.</i>
<i>Benji Tu Dira Queensboro</i>	<i>26 Main St.</i>
<i>Eric Transygar Queensboro</i>	<i>26 Main St.</i>
<i>Mich D'Amor Queensboro</i>	<i>26 Main St.</i>
<i>AMY Pressman West Stockbridge</i>	<i>99 GT. BARRINGTON RD.</i>
<i>LILY DAVENPORT</i>	<i>S HOTEL ST, W.S.</i>
<i>Jimmy De... W. Stockbridge</i>	<i>S Hotel St. W.S.</i>
<i>LISA LANDRY FLAVIO NO.6 Depot</i>	<i>WS (email OK)</i>
<i>SPRTS</i>	<i>24 SWAMP RD.</i>
<i>Pete Thorne</i>	<i>PETER THORNE</i>
<i>STH...</i>	<i>SARAH THORNE</i>
<i>J - + Sch...</i>	<i>JIM SCHMITT</i>
	<i>15 MAPLE ST.</i>
	<i>15 MAPLE ST</i>
	<i>15 SWAMP Rd</i>

Re: WSSB Decision to Curb TurnParks License

From: lisa sixdepot.com (lisa@sixdepot.com)

To: joel@artmobiles.com

Cc: sandra@artmobiles.com; larisa.grace.garrett@gmail.com

Date: Friday, December 15, 2023, 03:32 AM EST

Hi Joel and Sandra, I hope this finds you well. Firstly, thank you for doing this. I couldnt agree more. It is a commercial district and we should celebrate art, each other and communal activities. We would like to sign this but we are away until the 21st. Is there a way you can sign it for us and note that we asked you to do so?

Best, Flávio and Lisa
Sent from my iPhone

On Dec 14, 2023, at 10:43 PM, Joel Hotchkiss <Joel@artmobiles.com> wrote:

Re: TurnPark License

From: eric shimelonis.com (eric@shimelonis.com)

To: webmaster@artmobiles.com

Date: Saturday, December 16, 2023, 03:54 PM EST

Hi Joel,

Thanks for reaching out. This situation is unbelievable.

We are in Europe for another few days. Please feel free to sign my name and Rebecca Sheir too. We fully support this letter.

Best,

Eric

Sent from my iPhone

On Dec 16, 2023, at 7:51 PM, webmaster@artmobiles.com wrote:

Hi Eric and Rebecca,

Hoping you can stop by today or Monday at our Gallery to sign the letter attached below.

We would like to present it to the WSSB at Monday Meeting.

Best,

Joel

<WSSB FINAL .docx>

JOHN FULOP
SIDNEY ANN FULOP



ARCHITECT 103 E ALFORD RD
PSYCHOTHERAPIST "

Dear Members of the WS Select Board,

December 14, 2023

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NAME:

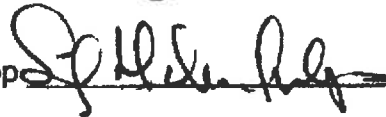
ADDRESS or BUSINESS

John Fulop



Architect: 103 East Alford Rd

Sidney Mackenzie Fulop



Psychoanalyst: 103 E. Alford Rd.

December 28, 2023

West Stockbridge Selectboard
21 State Line Rd.
West Stockbridge, MA 01266

RE: TurnPark

Dear Selectboard,

I would like my letter to be read aloud during the agenda action item concerning the TurnPark entertainment license renewal posted for your January 2nd 2024 meeting.

1. Regarding the last outdoor festival at TurnPark, Truc Nguyen was not the only one who complained about the loud droning noise emanating from the property. Around 9-9:30 we voiced our concerns to Chief Portieri. It was loud. It was obnoxiously loud. There were friends and neighbors on Lenox Road, Swamp Road, Albany Road and Great Barrington Road as far south as the Transfer Station who could hear it clearly as well, but did not complain for fear of making more waves adding to the Great Wave of hurt feelings due to your actions that still prevails in Town. No one wants any business to close its doors. Simply be a good neighbor. If a resident or a business is playing super loud music and others are complaining, it's simple: just turn it down. It's not that difficult!
2. I feel it was inappropriate and in poor taste to compare the Zucchini Fest to businesses who are applying for year 'round entertainment licenses. The Zucchini Fest is a one time, once a year, community-run event for everyone. Residents and businesses are all asked to participate and participate they did.

If we truly want to make our West Stockbridge community and businesses grow and prosper, be happy and healthy, we need to make certain that we are mindful of the effects we have on our neighbors. It may not be "you" personally today, but it may affect "you" personally tomorrow. Please consider that. You, the Selectboard, have the authority to control this in a responsible manner. Be mindful...

Thank you,

Jackie Moffatt
3 Main St
West Stockbridge

To The West Stockbridge Select Board,

We feel the decision made by the West Stockbridge Select Board (the "Board") on Monday December 4th 2023, which restricted the operating hours for the Annual Entertainment License for TurnPark Art Space ("Turnpark"), was arbitrary and unreasonable. It is our view that the decision by the Board was based on one person's objection ("Complainant") and the decision was made without a complete discussion nor a chance for Turnpark to properly prepare a defense. Our concern, as a member of this community, is that the Board has appeased one Complainant while failing to consider all of the material facts and the impact of its decision on the entire Town of West Stockbridge.

In the interest of objectivity, Turnpark would like to provide information with the assistance of the West Stockbridge Police Department who received a 911 call about noise from the Complainant on the night of June 10th. Representatives from the West Stockbridge Police can verify that no sound levels exceeded state or local levels and no citations were issued.

Noise is defined in the Commonwealth of Massachusetts Regulations as, "...sound of sufficient intensity and/or duration as to cause or contribute to a condition of air pollution." In support of Turnpark's position, they can establish that the noise emissions never exceeded sound levels by more than 10 dBA above the "ambient" sound levels to cause a violation of 310 CMR 7.10, Massachusetts Department of Environmental Protection noise regulations.

Turnpark also complied with the more restrictive General Bylaws of the Town of West Stockbridge which prohibits, "Excessive noise from electronic amplification devices, including, but not limited to, vehicular sound systems, stereo equipment, outdoor speakers, or air horns in excess of 55 decibels, as measured at the source's property line...." (Bylaw Chapter 185, section 185-1). It's important to recognize that this bylaw refers to residential zones and is not for a commercial zone in which Turnpark is located.

Despite restricting Turnpark's hours of operation for purportedly loud noise levels, the same bylaw (Bylaw Chapter 185) allows the Select Board to issue permits for one-day events with higher noise emissions; even higher than those actually emitted by Turnpark.

§ 185-3 Permit for one-day events.

Applications for permits for noise levels to exceed this bylaw shall be made to the Select Board. The Select Board shall limit the issuance of permits under this bylaw to a single-day event; no more than four events per year for each parcel of land; for noise levels at the property line not to exceed 70 decibels; and to a restricted use during the hours of 10:00 a.m. through 10:00 p.m.

In comparison, The Foundry, a performing arts venue, also had an event that same night and has sound-check data available for review (which they are required to maintain). Their sound data indicates no breach of their permitting conditions. It's important to point out and acknowledge that the event at issue held at Turnpark's location took place ten times (10X) the distance, than the Foundry's location to the Complainant's property. We would also like to address the fact that Turnpark is closer to the Massachusetts Turnpike and the ambient traffic noise level from the Massachusetts Turnpike is higher than any noise emanating from Turnpark as a result of its performances. It is also important to note, TurnPark's musical events primarily occur in our amphitheater which is at least three hundred feet from the home of any resident and is surrounded by a thick wall of trees and shrubs on any side which help to mitigate sound levels.

Additionally, while we don't want to involve the Zucchini Festival's ("Festival"), permit or have their permitting restrictions altered or reduced, the present ruling for Turnpark is incongruous and inconsistent with the permit for the Festival. The Festival is allowed to operate until 10:00 p.m. and generates significantly higher noise emissions, likely in excess of the 70 decibels mandated by the General Bylaws of the Town of West Stockbridge and the Festival takes place closer to the Complainant's

property than TurnPark's activities. TurnPark is in fact unable to create sustained sound at those levels for the simple fact that it would be too loud for our guests.

Understandably, when considering any permit, the Board must weigh the merits of the applicant's request against the welfare of the public to ensure that such permitted activity will not be detrimental to adjacent uses or to the neighborhood and that the permitted use will not unduly harm the general welfare of the community. However, none of those negative issues are present in Turnpark's case. And, if given the opportunity, Turnpark can establish that it was in compliance with the noise bylaw and will continue to do so.

In the past, TurnPark's license has been a critical fund-raising and financial component for its nonprofit business. Turnpark plans these events annually and months in advance. Turnpark's events draw residents throughout the Berkshire's and beyond. Turnpark's existence assists the local economy and businesses in West Stockbridge -- which ultimately benefits the town and its residents. The noise emanating from Turnpark's modest festivals until 10:00 p.m., are well-below the permitted threshold and clearly not a deleterious threat to the community nor the Complainant.

Instead of adding restrictions and burdening businesses, we feel it is incumbent on the Board to help businesses to thrive. This will encourage and further stimulate the cultural and economic activities that make our community vibrant and an attraction for tourism. There needs to be a symbiotic relationship that exists between the businesses and residents whereby businesses are allowed to function and attract patrons to stimulate the local economy. Ultimately, this serves to benefit the town which transcends and culturally enriches all of its residents. While TurnPark is free to West Stockbridge residents, we would like to remind this Board that TurnPark is a nonprofit organization that relies primarily on ticket sales and donations to operate.

Turnpark hosts a small number of amplified events each year but the festival in question is a professionally amplified event. The majority of our events are amplified using our modest PA system which is unable to generate the level of sound we need to generate during our festival. We do however, need our amplification system for events like film screenings and light installations which require complete darkness in most circumstances.

We have always tried to be a good neighbor and community member. Our commitment is exemplified in many ways, for instance we test sound decibel levels at every event. We have also addressed any parking issues head on and kept an open dialogue with many of our neighbors. We have also consistently been transparent and eager to work with the Board and other town officials as we attempt to bring something special and unique to this community within the General Bylaws of the Town of West Stockbridge.

After much thought and reflection we propose amending TurnPark's entertainment times to 10:00 am to 10:00 pm, Monday through Saturday, with an end time of 10:30 pm for film screenings and light installations and a limit of 4 professionally amplified events per year. We feel these proposed times will enable us to present more programming during the day while aligning with current bylaws in a fair way. We will of course continue our sound mitigation protocols and continue to be the best neighbor possible.

Respectfully,

TurnPark Art Space

Ryan, Marie

From: Lori Rose <lorijrose@gmail.com>
Sent: Tuesday, January 2, 2024 11:38 AM
To: Andrew Krouss; andypottersc@gmail.com; Kathleen Keresey; Ryan, Marie; JOEL HOTCHKISS; Jared Gelormino
Subject: IN FULL SUPPORT OF TURNPARK AND A 10PM ENTERTAINMENT LICENSE

January 2, 2024

Dear Members of the Select Board,

Joe and I were unable to sign the letter of support granting Turnpark's entertainment license to 10:00pm, however we are in full agreement that this should happen. Turnpark has been nothing but an incredible asset and a wonderful neighbor to our downtown.

We fully support Turnpark and we believe the decision to reduce their entertainment license to 9:00pm was a grave error in judgement.

We urge the Board to reconsider this decision.

LORI AND JOE ROSE
West Stockbridge
413.822.0912 and 413.281.0485

--
Lori J Rose
Broker Partner
Certified Negotiation Expert
Certified Buyers' Representative
Stone House Properties, LLC
35 Railroad Street
Great Barrington, MA 01230
413.822.0912 cell
413.528.4211 office
lorijrose@gmail.com

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Emails sent or received shall neither constitute acceptance of conducting transactions via electronic means nor shall create a binding contract in absence of a fully signed written agreement.

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For Date: 06/10/2023 - Saturday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
23-35572	1904	Phone - NOISE COMPLAINT	INCIDENT/INFORMATION LOGGED 2		
Call Taker:	CLAWCOC - LAWCOCK, CHRISTINA				
Call Source:	Telephone				
Primary Id:	DH1WSK - HAMILL, DAN				
Call Closed By:	DH1WSK - HAMILL, DAN 06/10/2023 1920				
Call Modified By:	DH1WSK - HAMILL, DAN				
Location/Address:	[WSK 8] TRUC ORIENT EXPRESS - 3 HARRIS				
Jurisdiction:	W. STOCKBRIDGE				
Fire District:	WEST STOCKBRIDGE FD				
EMS Service Area:	RICHMOND AMBULANCE (WSK)				
Party Entered By:	06/10/2023 1909 CLAWCOC - LAWCOCK, CHRISTINA				
Calling Party:	NYUGEN, TRUC @ 1 HARRIS - W. STOCKBRIDGE, MA 01266				
CallBack Number:	646-531-4848				
Unit:	C302 HAMILL, DAN				
	Disp-19:09:19 Enrt-19:18:48			Clrd-19:20:49	
Cleared By:	DH1WSK - HAMILL, DAN				
Narrative:	06/10/2023 1909 LAWCOCK, CHRISTINA CP STATING THAT THE EVENT NEARBY IS SO LOUD. PEOPLE ARENT EASTING AT HER RESTAURANT.				
Narrative:	06/10/2023 1915 HAMILL, DAN Ongoing issue with CP and outdoor events in the downtown area. Spoke to detail officer at the event and he stated that the event staff have a permit for the event and everything is in order. Log entry made. DTH				
Narrative:	06/10/2023 1919 HAMILL, DAN Decible reading is 50 per Ofc. Horn. DTH				

For Date: 06/10/2023 - Saturday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
23-35606	2146	Initiated - NOISE COMPLAINT	INCIDENT/INFORMATION LOGGED	2	

Call Taker: DH1WSK - HAMILL, DAN
Call Source: Initiated
Primary Id: DH1WSK - HAMILL, DAN
Location/Address: [WSK] 1 HARRIS
Jurisdiction: W. STOCKBRIDGE
Fire District: WEST STOCKBRIDGE FD
EMS Service Area: RICHMOND AMBULANCE (WSK)
Initiated By: C302 - HAMILL, DAN
Unit: C302 HAMILL, DAN

Arvd-21:47:21 Clrd-21:53:43

Narrative: 06/10/2023 2152 HAMILL, DAN

Noise Complaint again. Music is assaulting her ears and has been all night. Spoke to party for 20 minutes, matter not resolved. Told it was a town issue and to bring up with planning. DTH

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December 14, 2023

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Instead of adding layers of restrictions, we feel it is the Select Board's role to help the operating businesses in our downtown Business District to thrive and to encourage the cultural and economic activity that they provide to the town. June 10 was a particularly successful summer evening for the arts in our downtown district with three performance events occurring in three different locations which also included the West Stockbridge Historical Society. These events brought many people to our beautiful village to shop, eat and find community.

NAME:

ADDRESS or BUSINESS

Elizabeth Morse
Elizabeth Morse

3 Birch Hill Rd

Ronald Feldman
Ronald Feldman

3 Birch Rd

ERIC WILSON SHAKER MILL BOOKS

3 DEPOT ST

Sandy Kemper

20 Main Street,

Jane Buhala

9 Silvermine Lane

Melissa Green

7 Cone Hill Rd.

John Whalen

14 STATE LINE Rd

Robert Salvo
Margaret Klagge

34 BIRCH HILL RD
34 Birch Hill Rd.

NICK SPAIN

11 ALBANY RD.

MICHAEL BOLOGNINO

11 ALBANY RD.

Dear Members of the WS Select Board,

December 14, 2023

We, the undersigned West Stockbridge residents and business owners are presenting this letter to you because we feel the decision made by the WS Select-board on Monday, December 4th 2023 to change the conditions for an Annual Entertainment License for TurnPark Sculpture Park was inappropriately and hurriedly decided upon while based on just one person's complaint and without adequate discussion or a fair opportunity for TurnPark to present their defense. Upon further review of the facts, we believe this ruling should be reversed.

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NAME:

DAN BLEHLER

Vicki Bonnington

David & Schocker

Joel Hochhaus

Sanchari Tuktinis

Scott Jervas
Suzanne Crevar/Small House Properties

Eric Shimmelonis

Rebecca Sheir

Shayna K. Tomlin Rocky

JOHN ELLING

Priscilla ELLING

ADDRESS or BUSINESS

9 SILVERMINE LA. WS

245 Great Barrington Rd. WS

245 Great Barrington Rd. WS

2 Peaceable Hill WS

2 Peaceable Hill WS

99 West Center Rd
38 Main St. WS.

Rte 41 S. WS MA *

Rte 41 S. WS MA * ↑

*EMAIL PERMISSION TO SIGN

11 Maple St W. Stock

269 Gt Barrington Rd *

" " " " *

*EMAIL PERMISSION TO SIGN ↑

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NAME:	ADDRESS or BUSINESS
<i>Carol Keller</i>	197 GB Rd.
<i>Steven Dixon Queensboro</i>	26 Main St.
<i>Perri Jo Dixon Queensboro</i>	26 Main St.
<i>Eric Transygar Queensboro</i>	26 Main St.
<i>Maick Dixon Queensboro</i>	26 Main St.
<i>AMP Pressman West Stockbridge</i>	99 ET. BARRINGTON RD.
<i>LILY DAVENPORT Jimmy De... W. Stockbridge</i>	5 HOTEL ST., W.S. 5 Hotel St. W.S.
<i>LISA LANDRY FLAVIO NOB DEPOT</i>	WS (email OK)
<i>SPRTZ DANA BIXBY</i>	24 SWAMP RD.
<i>Peter Thorne</i>	15 MAPLE ST.
<i>SARAH THORNE</i>	15 MAPLE ST
<i>J - + Schmitt JIM SCHMITT</i>	15 SWAMP RD

Re: WSSB Decision to Curb TurnParks License

From: lisa sixdepot.com (lisa@sixdepot.com)

To: joel@artmobiles.com

Cc: sandra@artmobiles.com; larisa.grace.garrett@gmail.com

Date: Friday, December 15, 2023, 03:32 AM EST

Hi Joel and Sandra, I hope this finds you well. Firstly, thank you for doing this. I couldn't agree more. It is a commercial district and we should celebrate art, each other and communal activities. We would like to sign this but we are away until the 21st. Is there a way you can sign it for us and note that we asked you to do so?

Best, Flávio and Lisa
Sent from my iPhone

On Dec 14, 2023, at 10:43 PM, Joel Hotchkiss <Joel@artmobiles.com> wrote:

Re: TurnPark License

From: eric shimelonis.com (eric@shimelonis.com)

To: webmaster@artmobiles.com

Date: Saturday, December 16, 2023, 03:54 PM EST

Hi Joel,

Thanks for reaching out. This situation is unbelievable.

We are in Europe for another few days. Please feel free to sign my name and Rebecca Sheir too. We fully support this letter.

Best,

Eric

Sent from my iPhone

On Dec 16, 2023, at 7:51 PM, webmaster@artmobiles.com wrote:

Hi Eric and Rebecca,

Hoping you can stop by today or Monday at our Gallery to sign the letter attached below. We would like to present it to the WSSB at Monday Meeting.

Best,

Joel

<WSSB FINAL .docx>

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19

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Account

Privacy

Feedback

Sign out

Settings

Help

TurnPark License 2



Joel Hotchkiss



Brenda Elling
brendaelling@gmail.com
Joel Hotchkiss



Hi Joel

Please add my name and John's name to the petition going to the Select Board regarding TurnPark License. Thank you very much for adding our names we weren't able to make it up to the shop to sign in person.

Brenda Elling & John Elling
269 Gt Barrington Rd West Stockbridge

Sent from my iPad

<WSSB FINAL .doc>



Reply Reply All Forward



brendaelling@gmail.com

m

brendaelling@gmail.com
+ Add to contacts