

June 6, 2022

TO: West Stockbridge Planning Board

CC: West Stockbridge Select Board
Great Barrington Masonic Temple Association, Inc.

RE: Great Barrington Masonic Temple Association, Inc. Special Permit (6.3)
and Private Club [4.11(13)] Application dated 4/25/22

Introduction

The undersigned, abutters and neighbors of the property at 4 Sportsman Club Lane ("West Stockbridge Sportsmen's Club"), have read with interest the details of the application for a Special Permit to operate a Private Club in this location.

Together, we represent 22 residents and 13 properties either abutting or in close proximity to the Sportsmen's Club property

We are a varied group. Some of us are long-time residents, others are more recent. Some live here year-round; some of us reside here seasonally. What unites us, however, is our shared commitment to our community's established nature as a quiet residential neighborhood.

Since it was abandoned a decade ago by the now-defunct West Stockbridge Sportsmen's Club, 4 Sportsman Club Lane has fallen into disrepair, as noted in the permit application. However, it is not true, as the application implies, that the property's location limits its impact on the neighborhood. The existing structures and riverside pavilions are clearly visible from multiple neighboring properties, as well as from East Alford Road, and any noise on the property can be heard up and down the road, carried by the river. Traffic to the property via Sportsman Club Lane passes within feet of three neighboring homes, as well as multiple properties in either direction on East Alford Road, Colonial Acres Circle, and Carlotto Road.

As a neighborhood, therefore, we are highly concerned by the increase in activity at the Sportsmen's Club site as envisioned by this application. And while the applicant describes itself as "famously good neighbors" and their activities as typically "quiet and respectful," West Stockbridge's own zoning requires that the granting of any Special Permit must go beyond the general and vague representations in the application.

We are disappointed that due to the timing of the hearing and impacts of COVID, we were not able to meet with the applicant before the meeting. We believe that the hearing on this matter ought to be continued so that the Board and the abutters can conduct a site visit prior to deliberating on the petition.

During the time between a site visit and a continued hearing, the undersigned neighbors are willing to meet with the applicant, with counsel, to determine if there are conditions that can be agreed upon that will satisfy the neighborhood that the clearly detrimental effects of the proposed uses can be made palatable with appropriate conditions.

If the applicant rejects the neighborhood's proposal to continue the hearing so that a meaningful effort can be made to hear and resolve the neighbors' concerns, the Board should find that the proposal does not comply with the spirit or the requirements of the By-Law, and deny the petition.

Requirements for the Special Permit

As acknowledged in the application's addendum, the granting of any special permit requires that the applicant demonstrate that the proposal satisfies five requirements as laid out in Section 6.3.4.

Specifically:

- a. In compliance with all provisions and requirements of this bylaw and in harmony with its general intent and purpose;
- b. Essential or desirable to the public convenience or welfare at the proposed location;
- c. Not detrimental to the adjacent uses or to the established or future character of the neighborhood;
- d. Not create undue traffic congestion or unduly impair pedestrian safety;
- e. Not overload any public water, drainage, or sewer system on any other municipal facility

As neighbors, we believe that the applicant cannot meet its burden regarding the proposed use's compliance with the second, third, and fourth of these requirements:

6.3.4b Essential or desirable to the public convenience or welfare

As a private club, the proposed use by its very definition serves a limited group. The only people who benefit from this use are the members of the Masonic lodges. There is nothing essential or even desirable about having a private club operate at the proposed location.

6.3.4 c Established character of the neighborhood

In their submission, the applicants compare their proposed use to the disruptive and undesirable activities that were common on the property in the latter years of the West Stockbridge Sportsmen's Club. Many of the undersigned lived here during that period and can personally attest to the negative impact of that activity at the time.

However, that period is over a decade in the past and is not relevant to the current state of the neighborhood. For the past ten years, the actual established character of the area has been that of a quiet and peaceful residential neighborhood, as envisaged by the area's original zoning. The prior non-conforming use has long since been abandoned. The property is now just a lot with some low value structures that could easily and economically be replaced with a single-family home.

The present and future character of the neighborhood is as a community of single-family homes. When the West Stockbridge Sportsmen's Club was originally founded in 1972, there was only one home abutting the property. Today, 9 homes and 2 buildable lots abut the site, with an additional 11 homes and single buildable lot within just a few hundred yards, and 101 more homes within a mile. The abutting properties represent \$6,529,200 in value, contributing more than \$80,000 in property tax annually.

In other words, the number of households directly affected by any proposed use of the former Sportsmen's Club is far greater than in the past. Collectively, the residents have committed to this neighborhood because of its established character as a semi-rural enclave noted for its natural beauty and abundant wildlife.

Any proposed, nonconforming use of the property at 4 Sportsmen Club Lane must not disrupt the established character of the neighborhood as it is now, rather than how it might have been in the past. We do not feel that any use of the property other than residential or conservation land truly preserves this character.

Simply stating that the applicants' proposed use will be less offensive than the former Sportsmen's Club completely misses the mark. The analysis needs to be based on a comparison of what exists now, an undeveloped parcel, with the proposed uses by the applicant.

6.3.4 d Undue Traffic Congestion

We are concerned that the inevitable noise and congestion caused by this use will negatively affect our property values and cause further deterioration of the dirt road portion of East Alford Road.

Ultimately, we, the neighbors of the site of the proposal, do not feel the application is in either the spirit of the zoning regulations, nor the specifics as referenced above.

If however, the proposal is approved by the Board, we believe that, as a minimum, the following conditions should be imposed on any special permit granted. These conditions represent a compromise among the neighborhood group, and represent the minimum protection the neighborhood will need to offset the negative impacts of the proposed use.

- Indoor meetings:
 - Are strictly limited to no more than nine (9) per month;
 - Are limited to members of the Great Barrington and West Stockbridge lodges only
 - Are limited to no more than 25 attendees
 - Must adjourn with the parking lot vacated by 9:00 PM
 - No serving, availability, or use of alcoholic beverages or cannabis at any time
- Outdoor meetings or events:
 - Are limited to 3 annually with no more than one in any calendar month
 - Are scheduled a minimum of sixty (60) days in advance to the neighbors who have requested notice in writing.
 - Are open to lodge members only
 - Are limited to no more than 50 attendees
 - Must conclude with the property and the parking lot vacated by 9:00 PM
 - No use of amplified sound is permitted.
 - The Applicant shall not permit or cause a noise which is objectionable due to volume, intermittence, beat frequency or shrillness to be transmitted outside the Property, and in no case shall such noise exceed 55 decibels at any property line or otherwise in violation of any General Law, Regulation or By-Law. The Operator shall at all times comply with Bylaw Chapter 185-1 (A) and (B)(2) and with Massachusetts Department of Environmental Protection noise regulations, including the requirement that "A new noise source will be required to mitigate its sound emissions if they are projected to cause the broadband sound level at a residence or building housing sensitive receptors to exceed ambient background by more than 10 dB(A)."
 - No artificial outdoor illumination
 - No serving, availability, or use of alcoholic beverages or cannabis at any time

Operational conditions

In addition to the above, and per condition No 2 of the bylaws, the general operation of the property itself must not be detrimental to the public convenience or welfare. Specifically:

- No artificial outdoor illumination after 9:00 PM at any time
- No illumination, permanent or otherwise on Sportsmen Club Lane
- A gate is installed and kept closed and locked except when the property is in active use
- No parking on Sportsmen Club Lane or East Alford Road. The clubs must provide a traffic detail for the direction of traffic during outdoor events.
- Garbage and debris must be cleared from the property immediately after any event, indoor or outdoor, so as not to attract unwanted wildlife.
- All traffic to the lodge must be directed from 41 via the paved portion of E Alford, so as not to cause further stress to the dirt road portion of E Alford. We would also request that the town install speed limit and "local traffic only" signs on all portions of the dirt road.
- All structures and activities must abide by the requirements set by 321 CMR 10.00: Massachusetts Endangered Species Act and any other or related laws regarding the protected habitat of the Wood Turtle (PH 1256) which overlays and surrounds the location.
- The Applicant shall make a telephone number available to all abutters, abutters within 300 feet of the Property, for complaints about noise, traffic, safety, or any other issue and shall investigate any such complaint and respond to the complainant within 24 business hours and shall take corrective action to eliminate the issue at the earliest time practicable. The Applicant shall keep a log of all such complaints and corrective actions taken, which log shall be publicly available upon request.

Permitting and governance

As the applicants themselves note, the Masons are unique in their consideration for their neighbors and the nature of their activities. Other potential owners or users of the property might not share these characteristics.

For that reason, any special permit should be:

Nontransferrable: The permit should be limited to the use of the property by these applicants alone, and will not transfer with the property to any subsequent owner or operator. The facility is to be used only for the activities described in the application, subject to the conditions above. No additional Masonic Lodge may use the facility for any meetings or events.

Noncommercial: The permit should explicitly prohibit the use of the property for any commercial activity or purpose, now or in the future, by the Masons or anyone else, including rental of the property to any party, e.g., for a wedding.

Revocable: The permit should be subject to regular review (and cancellation, if appropriate) with regard to the stipulations above, including the availability or use of alcoholic beverages onsite. Specific guidelines about enforcement and penalties for non-compliance (e.g., three violations and the special permit is revoked) must be established.

Re-application: In addition, any significant change to the property, such as the construction of additional structures or facilities, should require a re-application for this special permit.

Conclusion

During the recent town elections, we were happy to see the current leadership emphasize that all voices must be heard on town affairs. This application is a good opportunity to put that pledge to work.

We thank the Select Board, the Planning Board, and the town for the opportunity to contribute collaboratively to this process.

We look forward to a constructive conversation with all parties.

Respectfully submitted,

Jim & Tigger Bruenn	6 Carlotto Road (plus lot on Colonial Acres)
David Evans & Gerri Willis	2 Colonial Acres
Denise Gustafson	2 Sportsman Club Lane
Eric & Robin Hananel	4 Colonial Acres
Warren & Sally Kimball	26 E Alford Road
Martin Litz	22 E Alford Road
Chris & Kate Meyer	24 E Alford Road
Gerold & Catherine Mohn	44 E Alford Road
John & Paige Orloff	30 E Alford Road
David & Amy Pearlson	34 E Alford Road (plus lot on Colonial Acres)
Adam Prager & Elizabeth Youngman	42 E Alford Road