

SPECIAL PERMIT APPLICATION



CATAMOUNT SKI RESORT, LLC
Catamount Mountain Resort
17 Nicholson Road
South Egremont, Massachusetts

February 25, 2020

CATAMOUNT SKI RESORT SPECIAL PERMIT APPLICATION INDEX & PROFESSIONAL TEAM

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CATAMOUNT TEAM

Owner:

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CATAMOUNT SKI RESORT, LLC
17 Nicholson Road
South Egremont, MA 01258
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Attorney:

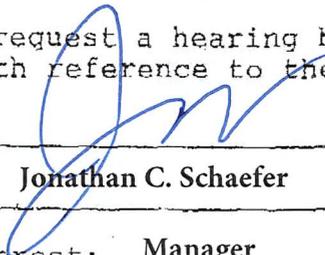
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EXHIBIT A

APPLICATION FOR
SPECIAL PERMIT HEARING

Name of Applicant Catamount Ski Resort, LLC
Address 17 Nicholson Road, South Egremont, MA 01258
Location of Property 17 Nicholson Road, South Egremont, MA, Map 8, Lots 689, 689B and 199
Registry of Deeds Recorded Book 2473 Page 0001
Applicant is Owner (owner, tenant, licensee, prospective buyer)
Applicable Section of the By-Law Section Section 4.3.1.5
Nature of Application (description of business, hours of operation, etc.)
See attached narrative regarding proposed expansion of pre-existing nonconforming use of property for expanded off ski season activities, including indoor and outdoor social and recreational events.

I/We hereby request a hearing before the Special Permit Granting Authority with reference to the above noted application.

Signed:  Date: 2/25/2020

Signed: Jonathan C. Schaefer

Title or Interest: Manager

Applicant must also submit all information required by the Zoning Board of Appeals Rules and Regulation, available at the Egremont Town Hall.

Please note that Assessors require seven (7) days notice to compile abutters list.

Received from the Applicant(s) the sum of \$ _____ to be applied against postage, advertising costs, and permit fee on (date) _____.

Signed: _____

EXHIBIT B

**Special Permit
Project Narrative
Catamount Ski Area
17 Nicholson Road
South Egremont, Massachusetts**

SECTION 1.0: Introduction

Project Overview

This Project Narrative is submitted in support of a Special Permit Application for Catamount Ski Resort, LLC’s (“Catamount Ski Resort”) proposed expansion of summertime activities and uses of Catamount Ski Area. The application is submitted in accordance with the Town of Egremont Zoning Bylaws.

Existing Site Description

The property is a developed ski area, which has been in existence for almost 80 years. This includes several buildings, gravel and paved driveways and parking areas, utilities and ski trails. The property includes approximately 356 acres and is located in both Egremont, Massachusetts and Copake and Hillsdale, New York. The property under this application is further defined on the Town of Egremont Assessor’s Maps as Map 8, Lot 689 and Map 8, Lot 689.B and Map 8, Lot 199. The Massachusetts Deed is dated May 18, 2018 and recorded with the Berkshire County (Southern District) Registry of Deeds in Book 2473, Page 1.

To date, summertime activities have been limited to ski resort maintenance and improvements and, since 2005, the operation of the Catamount Aerial Adventure Park. The Adventure Park was permitted by a Special Permit dated November 29, 2005. The Adventure Park consists of 12 courses of varying difficulties; guests are challenged to cross bridges, climb ladders, maneuver through obstacles and soar on zip lines. It operates from early June to late October. The lodges have been occasionally used for group meetings.

Zoning Districts

The property is located with the General District, which includes the entire town except the Jug End Residential District. The following is a listing of the Dimensional Requirements per the Town of Egremont Zoning Bylaws:

*Town of Egremont
Table of Dimensional Requirements*

Use	Minimum Area	Minimum Lot Frontage (Feet)	Yard Minimum (Feet)			Maximum Height in Feet
			Front	Side	Rear	
All Other Principal Uses	1 Acre	150	40	25	25	35

*Note: A Ski Area/Ski Resort is not under the list of permitted uses allowed in the General District. However, the Ski Area/Ski Resort predates zoning, therefore is considered a pre-existing, non-conforming use.

SECTION 2: 2018 – 2019 Ski Area Improvements

Catamount Ski Resort, LLC purchased Catamount Ski Area on May 18, 2018. Since that date, Catamount Ski Resort has invested in excess of \$5 million dollars in capital improvements. Those improvements include lodge renovations and construction of a new lodge, lift construction, trail construction, electronic ticketing system, extensive landscaping, parking lot resurfacing, snowmaking improvements (ponds, pipe, snowmaking guns), groomers, furnishings, and other equipment.

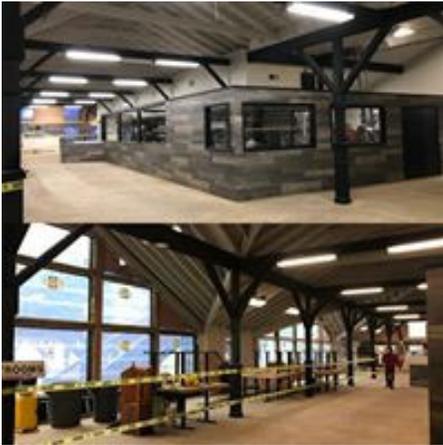
Improvements made in accordance with the July 25, 2018 Special Permit

In July 2018, Catamount Ski Resort sought and obtained a Special Permit to renovate the existing lodge, construct a new lodge and install a new triple chairlift.

Renovation of Existing Lodge



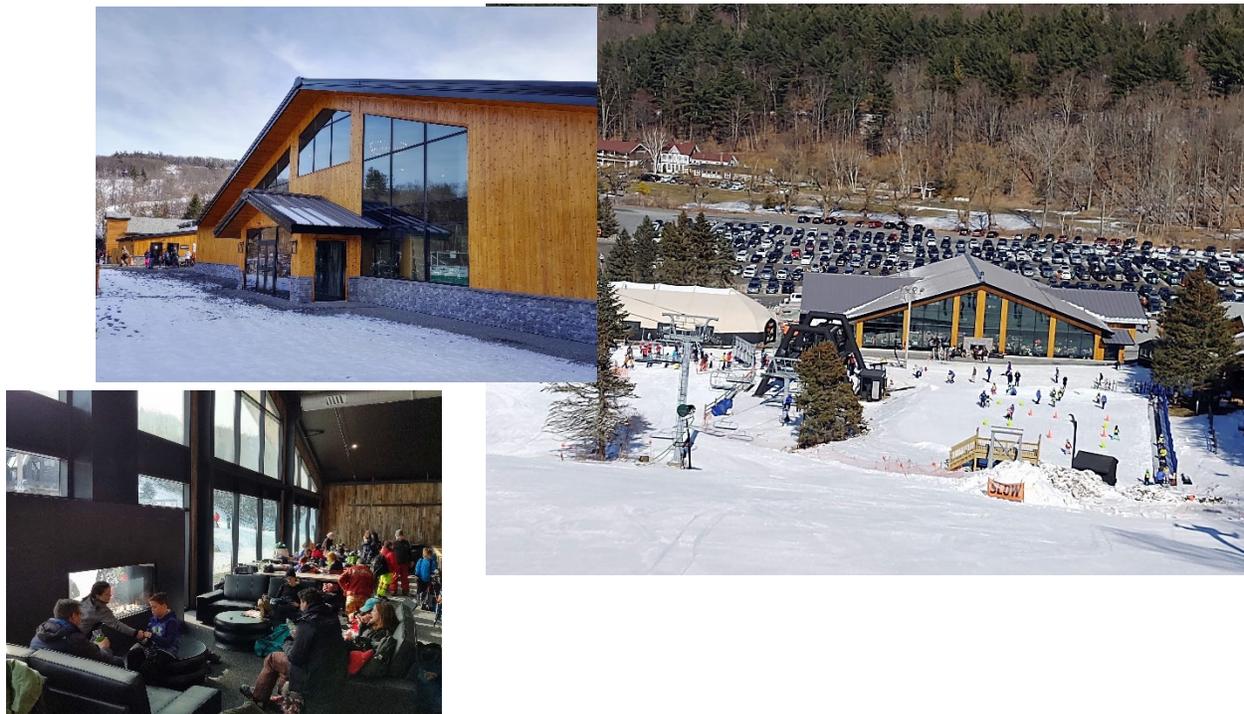
The Berkshire Lodge renovation was completed in the Fall of 2018. The remodel included a new roof, exterior siding and a complete interior makeover. The bathroom was renovated, and new lighting and furnishings were installed.



Construction of the New Catamount Lodge

The new lodge building was approved by special permit in 2018. The building now called the Catamount Lodge has been constructed to the size and configuration as outlined in the previous approval plans. A slight modification of the floor plan was approved by the Building Inspector, and an amended building permit was issued on September 6, 2019. A temporary certificate of occupancy was issued for the current ski season. The updated plan is the result of additional customer surveys and hands -n operation experience obtained this past winter. Copies of the final floor plan, building permits, and temporary certificate of occupancy are included with this application.

The result is a need to create a new and upgraded restaurant and bar space at the resort. Further the building change in uses warrants the need for a small customer service ticket window addition and a second addition for storage of food goods related to the proposed restaurant use.



The building also has been fitted with a fireplace not shown on the original plans. The new lodge improvement plan required the installation of an automatic fire suppression system. Sprinkler systems will be installed on both the new and Berkshire lodges as a part of this proposal. At the time of its approval, the use of the new lodge was limited to ski resort functions. This Special Permit application seeks to remove that restriction.

Installation of a New Triple Chairlift

The 2017 Special Permit allowed for the construction of a new 1,700' triple chairlift, called the Promenade Triple. This lift was completed in February 2019 and serves beginner and intermediate terrain.



Improvements made with Building Inspector Approval Not Considered an Extension of the Non-Conforming Use

Ski Trails



The resort improvement plan for 2019 includes the creation of new ski trails. The trails are within the existing footprint and are infill trails. The activity includes tree clearing, stump removal and grading. Trails may include lighting and snowmaking equipment installation appurtenant to the ski resort. The new trails create steeper trails resulting in a greater variance of skiable terrain improving options for customers. The trail in the upper left side of the adjacent image is in Egremont; the others are in New York.

Ponds

Surface water, and ponds, are an integral part of the ski operations. Stored water is used for snow making and storage allows the operator to make snow efficiently during cold temperature windows. The improvements for 2019 and 2020 include the excavation and creation of a new hillside reservoir for snowmaking operations and the modification of the existing pond in the base area. The new pond is adjacent and downslope of the existing hillside pond along the state boundary line. The existing pond modification includes maintenance of the existing pond berm alongside the maintenance building and the raising of the pond berm by 1-2 feet. The existing pond work is subject to approval of the Conservation Commission and possibly the Massachusetts Division of Dam Safety. All pond work was designed and supervised by a professional engineer but will not require a Special Permit.

Housatonic River Rafting

Catamount Ski Resort is working with a sister company, Berkshire Whitewater, LLC to offer variety of a Canoe, Kayak or stand-up paddle board trips on Rivers and Lakes throughout the Western Massachusetts. Trips occur Thursdays through Sundays, including trips on the Housatonic River from Great Barrington to Sheffield.



Improvements made in New York

Catamount Ski Resort straddles the Massachusetts and New York border and is located partly in Hillsdale and Copake, New York. Substantial improvements have been made in New York and have been supported by the New York State Department of Parks, Recreation and Historic Preservation. New York has awarded grants for snowmaking equipment totaling approximately \$200,000.00.

The New York improvements include the construction of the longest zip line in the United States. The zipline is 5,500' and extends from the portion of the ski area located in the Taconic State Park to the portion of the Catamount Ski Resort property in Copake located at the corner of Route 23 and Breezy Hill Road. The Zip Tour will be opened in the Fall of 2019. New York State Department of Parks, Recreation and Historic Preservation consented to an amendment to its lease of land at the top of the mountain to permit tree clearing for the construction and operation of the New York zip line.

In addition, Catamount Ski Resort acquired the Silver Eagle Ranch property on Route 23 and has constricted snowmaking ponds and new ski trails and improved the Taconic Lodge. Finally, the principal owners of Catamount Ski Resort, James and Joni Schaefer, have acquired the Linden Valley Inn having 8 bedrooms, located at the entrance to the ski area. They have begun substantial renovations and have renamed it the Catamount Inn.

SECTION 3 – Proposed Expansion of Prior Non-Conforming Uses

This Special Permit application seeks a Special Permit to use the Catamount Ski Resort facilities for year-round recreational and resort uses and special events. The proposed summertime uses are consistent with the uses of most all comparably sized ski resorts. The uses proposed will include special events and summertime recreational activities.

Events, as a use, is defined as hosting groups of people/persons for special occasions. These gatherings will take place in the on-site lodge building(s) and/or on resort property.

Typical Events will include:

- Weddings
- Birthdays/Anniversaries/Showers
- Award Dinners
- Sports Banquets
- Conferences
- Bereavements
- Community Gatherings
- Camping Jamborees
- Sporting Events: obstacle courses, runs, bike races, etc.
- Car Shows
- Craft Fairs
- Festivals for food and music

In addition to events, Catamount Ski Resort will expand the outside recreational activities. The new activities will include uphill and downhill mountain biking, including eBike use and rentals, scenic chairlift rides, mountain hiking, climbing wall and expanded youth activities such as trampolines, disc golf and mini-golf.

The resort building occupancies in Massachusetts and New York include the Berkshire Lodge at 884 persons, New Catamount Lodge at 450± persons, and the Taconic Lodge in New York State at 325 persons for a total occupancy inside the buildings of 1,662 persons. The total onsite population on a holiday ski day is a maximum of 4,000 to 5,000 persons. The total number is based upon sales data and includes on-site staff and season pass holders as well as day pass holders.

This special permit application is proposing an expansion in seasonal site uses. This means the number of patrons on the property will not increase as it relates to the busiest days but will expand the number of days; there will be activities on the property over a greater portion of the calendar year. Currently the Ski season is from Thanksgiving to April, depending upon the weather, is the time period with the highest intensity of site use. The proposed uses will encourage on-site activity from Memorial Day to Labor Day and will allow activities during periods outside of the normal ski season. This is a nationwide trend for ski resorts and has been documented in news articles for many years.

One such article is quoted below:

The impetus for the change came in 2011, when President Obama signed a bill, sponsored by then Colorado Senator Mark Udall, which amended a previous law from the 1980s that restricted ski areas on Forest Service land from offering any recreation besides skiing. The amendment, called the Ski Area Recreational Opportunity Enhancement Act, allowed resorts to provide summer activities like zip lines, mountain bike parks, Frisbee golf, and ropes courses, so long as they were in harmony with the natural environment... .. As warming trends continue, expect more struggling resorts to make summer a mainstay instead of an afterthought. -Outside Magazine 2015

The expanded activities will permit Catamount Ski Resort to remain successful in spite of a more uncertain and competitive ski season. All of the new activities will be conducted with minimal impact on the neighbors and environments. The new recreational activities will generate far less impact than the winter ski area operation. The increased activities will ensure the core staff are employed year-round and will afford additional seasonal employment opportunities for area residents.

SECTION 2.0: Zoning Compliance

A Ski Area/Ski Resort is not under the list of permitted uses allowed in the General District. However, the Ski Area/Ski Resort predates zoning, therefore is considered a pre-existing, non-conforming use. The project must obtain a Special Permit from the Zoning Board of Appeals for the expansion of a non-conforming “Ski Area” use in accordance with Section 4.3.1. Compliance with the required zoning, and project impacts are outlined below.

4.3. Regulations Applying to All Districts

4.3.1. Nonconforming Uses and Structures

4.3.1.1. Applicability The provisions of this Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun at the time of the adoption of this Bylaw as provided in Section 6, Chapter 40A G.L.).

The Ski Area was established in 1939, which predates the zoning bylaws first established in 1967, therefore the use is non-conforming.

4.3.1.2. Exemptions Nonconforming lots of record and lots shown on a plan endorsed by the Planning Board under the Subdivision Control Law are exempt from the provisions of this Bylaw to the extent and as provided in Section 6, Chapter 40A of the General Laws.

Does Not Apply

4.3.1.3. Abandonment or Non-Use A nonconforming use of land or structure which has been abandoned or not used for a period of two (2) years or more shall not be reestablished, except by special permit from the Zoning Board of Appeals, and any future use of such premises shall conform with this Bylaw.

Does Not Apply

4.3.1.4. Reconstruction after Catastrophe or Demolition Any preexisting nonconforming structures or uses destroyed by fire or other catastrophe may be rebuilt or re-established if completed within two (2) years of the fire or catastrophe.

Does Not Apply

4.3.1.5. Reversion to Nonconformity

Preexisting nonconforming structures or uses may be extended, altered or changed to another nonconforming use by special permit from the Zoning Board of Appeals provided that the Board finds that such change, extension or alteration shall not be substantially more detrimental to the neighborhood than the existing nonconforming use. In addition, any alteration, reconstruction, extension, or structural change to a one-family or two-family building or structure that complies with the three minimum yard in feet requirement and with the maximum height in feet requirement set forth in §4.1.2.1 shall be permitted by right, whether or not the lot on which such alteration, reconstruction, extension or structural change is being made meets the minimum lot area and minimum frontage in feet requirements of §4.1.2.1

The proposed project includes the expansion of the pre-existing non-conforming use to allow for the Resort to conduct additional summertime activities.

6.2 Special Permits

6.2.4 Criteria Before granting a special permit for any use requiring such permit under a provision of this Bylaw, the special permit granting authority shall find that the proposed use:

6.2.4.1 Is in compliance with all other provisions and requirements of the Bylaw, and in harmony with its general intent and purpose.

The recently constructed/renovated on-site buildings meet all other applicable provisions of the bylaw. Adequate parking is provided, building setbacks are respected, and the additional uses will not negatively affect the neighborhood or town.

6.2.4.2 Is essential or desirable to the public convenience or welfare at the proposed location.

The proposed uses will provide a service to the community by providing a new event space with capacity to hold larger events. The expanded uses will allow additional recreational opportunities for area residents and tourists. This is essential and desirable to the ski resort and to the public.

6.2.4.3 Will not be detrimental to adjacent uses or to the established or planned future character of the neighborhood.

The events will be held in the lodge buildings and surrounding areas. The exact location of the Lodge building is located more than 400 feet from the closest residential abutting property and more than 600 feet to the closest residence. The recreational activities will occur within the footprint of current ski trails. The use is in harmony with the current use at the site.

6.2.4.4 Will not create undue traffic congestion, or unduly impair pedestrian safety.

The use of the Lodge and ski resort facilities for events and special occasions will not deviate from the on-going ski resort use at the property. In fact, the use is less intense than the current use and thus will operate below current operational peaks.

6.2.4.5 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 in the immediate area or in any other area of the Town will be unduly subjected to the hazards affecting public health, safety or general welfare.

The utilities at the ski resort are private. The proposed project will not overload the existing water supply or private septic system. The utility and septic demands will be far less than winter demand

There is some doubt over whether the expansion of the ski area uses from wintertime recreational activities to year-round activities requires a Special Permit. Section 6 of the Zoning Act, Massachusetts General Laws Chapter 40A, states that the protections afforded a nonconforming use by Section 6 cease upon a change or substantial extension of the use but may otherwise continue.

Powers v. Building Inspector of Barnstable, 363 Mass. 648 (1973), established three tests for determining whether an alteration of a nonconforming use constitutes a “change or substantial extension” of such use that will subject the resulting use to the application of the current zoning laws:

1. the resulting use does not reflect the nature and purpose of the nonconforming use prevailing when the zoning laws took effect;
2. there is a difference in the quality or character, as well as the degree, of the resulting use; or
3. the resulting use is different in kind in its effect on the neighborhood.

Here the first and third test are not met since the use of the property as a ski resort, with in excess of 4,000 patrons on any given day and the change from skiers in the lodge and on the mountain to event guests and bikers or hikers are not the type of changes that constitute a “change or substantial extension” under the applicable case law. *McAleer v. Bd. of Appeals of Barnstable*, 361 Mass. 317, 323-24 (1972) (change from a seasonal motel to a year-round operation not a substantial extension); *Almeida v. Arruda*, 89 Mass. App. Ct. 241, 244-47 (2016) (adding beer and wine sales to a convenience store selling groceries and sundries does not increase adverse effects of convenience store in residential zoning district). There mere fact that the use is not identical does not mean that it is a change in use.

The second test is a closer call and warrants the application for a Special Permit out of caution. In *Cape Resort Hotels, Inc. v. Alcoholic Licensing Bd. of Falmouth*, 385 Mass. 205 (1982) the Court held that change in use from a hotel patronized by middle-aged and older clientele to a hotel with three clubs and a game room patronized by younger people, with liquor sales accounting for 60 to 70 percent of the hotel's revenues. Because, the change to include summertime activities can be considered a difference in the character (but not the quality or degree). For that reason, Catamount Ski Resort has submitted this Special Permit application.

SECTION 3: Site Plan Review

Special permit application proposals must include a site plan review. This includes a narrative discussing various topics related to on-site uses and potential off-site impacts. Typical Site Plan topics include:

- | | | |
|---------------------------|---------------|-------------|
| *Utilities: sewer & water | *Parking | *Signage |
| *Traffic | *Landscaping | *Lighting |
| *Trash disposal | *Architecture | *Stormwater |

On-site stormwater, electric, sewer and water utilities are already in place and are code compliant with the latest updates completed as a part of the new lodge construction. Since the proposed use will not exceed existing the maximum daily use of the facility and the fact that an infrastructure assessment is related to the maximum daily use, no Site Plan Review related impacts are proposed or anticipated as a part of this application.

None of the existing on-site site plan review criteria will change or require modification as a part of this proposal. The only modification required is the installation of sprinkler systems for fire protection in the Berkshire Lodge and Catamount Lodge buildings. The ski area use is currently seasonal, and the proposed uses will continue use during the summer season. The Site Plan requirements will continue to operate as they do under current conditions.

SECTION 4: Special Permit Conditions

Section 6.2.5 of the Zoning By-Law allows the Special Permit Granting Authority to impose condition on any Special Permit granted. Catamount Ski Resort is mindful of the potential impact that the proposed additional summertime uses may have on its neighbors and, accordingly, is amenable to the attached special permit conditions.

SECTION 5: Conclusion

The proposed additional uses results in the expansion of a pre-existing, non-conforming use which has been in existence for almost 80 years. The expansion will provide both improved economic variability of the ski resort in changing economic and climate conditions. The proposed off season uses are in harmony with the new uses adopted by other similarly sized ski areas and provide additional off-season employment and positive economic impact to the areas. The project will not negatively impact the neighborhood or character of the neighborhood and will have minimal impacts on the private utilities at the ski resort and is supported by the Community and the Catamount Ski Resort's immediate neighbors. For those reasons, Catamount respectfully requests approval of its Special Permit application.

EXHIBIT C

Town of Egremont
Catamount Ski Resort, LLC
Special Permit No. _____

_____, 2020

Special Permit Conditions

The following conditions shall be incorporated into the Special Permit granted by the Egremont Zoning Board of Appeal on _____, 2020.

1. Throughout these conditions, the term “Property” shall mean the real property known as Catamount Ski Resort.
2. These conditions shall apply only to new activities (additional off ski season / summertime events activities occurring between April 1st and November 30th and the additional uses of the lodges for non-ski area or non-ropes course related uses) and shall not restrict previously ongoing activities and uses that are otherwise previously permitted or allowed by right.
3. Indoor events in the Catamount Lodge shall be limited to 500-person occupancy (the total onsite occupancy limit is 1,662).
4. Indoor event hours shall be 8:00AM to 11:00PM (set up may occur prior to 8:00AM and clean up may continue past 11:00PM).
5. Indoor amplified music shall end at 11:00PM.
6. Outdoor events shall end by 10:00PM.
7. Amplified music at outdoor events shall end before 9:00PM.
8. Outdoor music only events shall be limited to 1,500 ticket sales.
9. Outdoor events with more than 1,000 projected attendees shall be limited to 6 events per summer season.
10. Outdoor events with more than 500 but less than 1,000 projected attendees shall be limited to 6 events per summer season.
11. Outdoor sporting events hours shall be 8:00AM to 8:00PM (set up may occur prior to 8:00AM and clean up may continue past 8:00PM).
12. Fireworks shall be limited to 2 times per summer and shall end by 10:00PM.

Town of Egremont
Catamount Ski Resort, LLC
Special Permit No. _____

_____, 2020

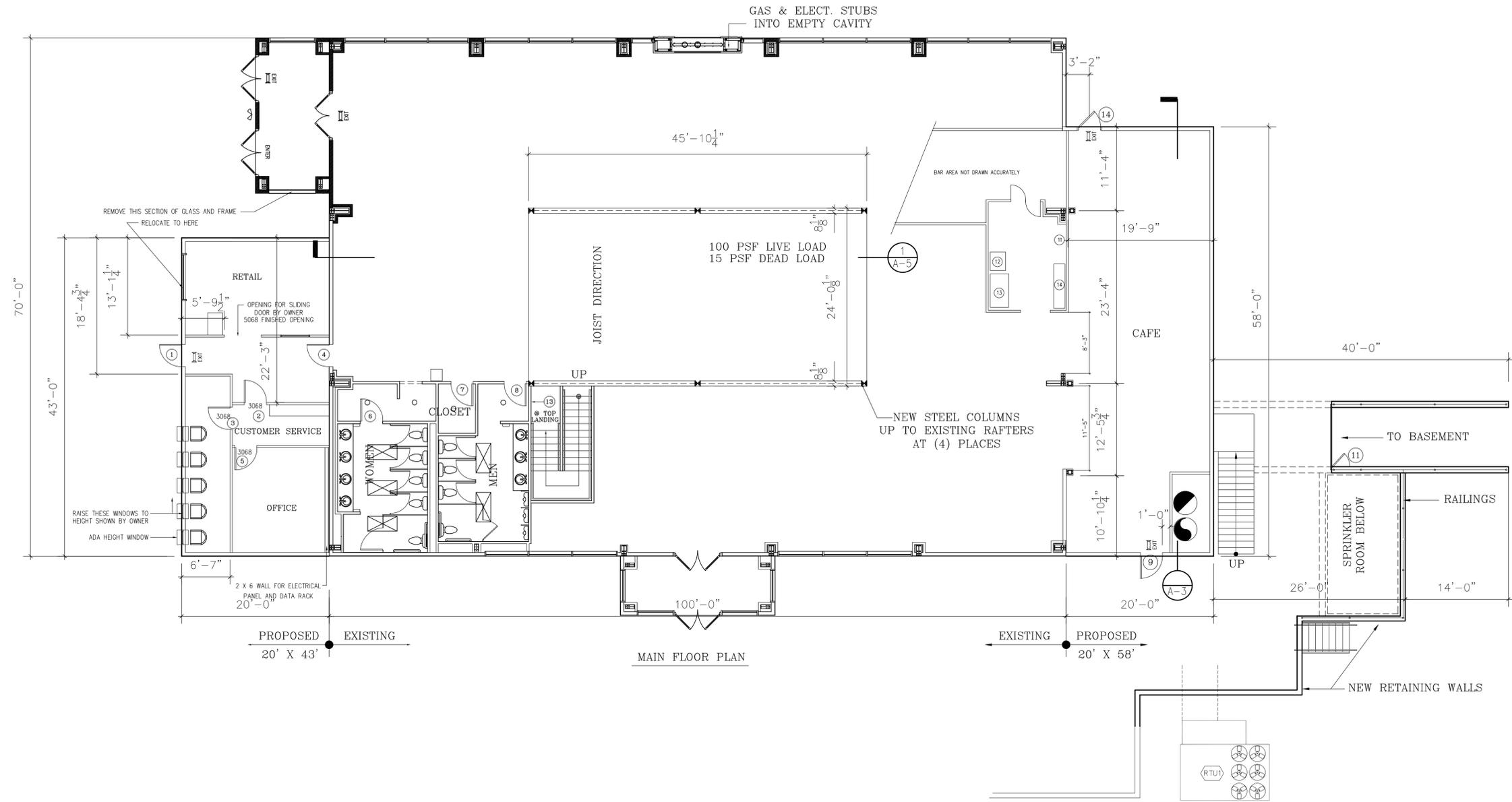
13. Outdoor summertime recreational activities shall not include gasoline powered motorized vehicles, such as motorcycles, all terrain recreational vehicles and the like (motorized vehicles may be operated by staff ancillary to such activities).
14. No additional ziplines shall be installed using a combination of metal cables and metal rollers (existing ziplines may be maintained and replaced).
15. Mountain lighting shall not be used for more than 6 events per summer season.
16. Catamount Ski Resort shall employ off duty police or deputy sheriff officers for security and traffic control as may be required from time to time by the Zoning Enforcement Officer.
17. Catamount Ski Resort will apply for individual one-day Special Permits to serve alcohol anywhere other than in the permitted lodges and adjacent areas as allowed by the current liquor license.
18. Catamount Ski Resort 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.
19. Catamount Ski Resort will provide a 24-hour emergency contact number and fourteen (14) days' notice of events where more than 500 attendees are anticipated to the Zoning Enforcement Officer and to abutters who request such information in writing.
20. The Operator shall keep a log of all complaints and corrective actions taken, which log shall be available to the Zoning Enforcement Officer upon request.
21. The conditions of this Special Permit are personal to the Catamount Ski Resort, LLC, and on the condition that James R. Schaefer and Jonathan C. Schaefer own a controlling interest in Catamount Ski Resort, LLC.

Town of Egremont
Catamount Ski Resort, LLC
Special Permit No. _____

_____, 2020

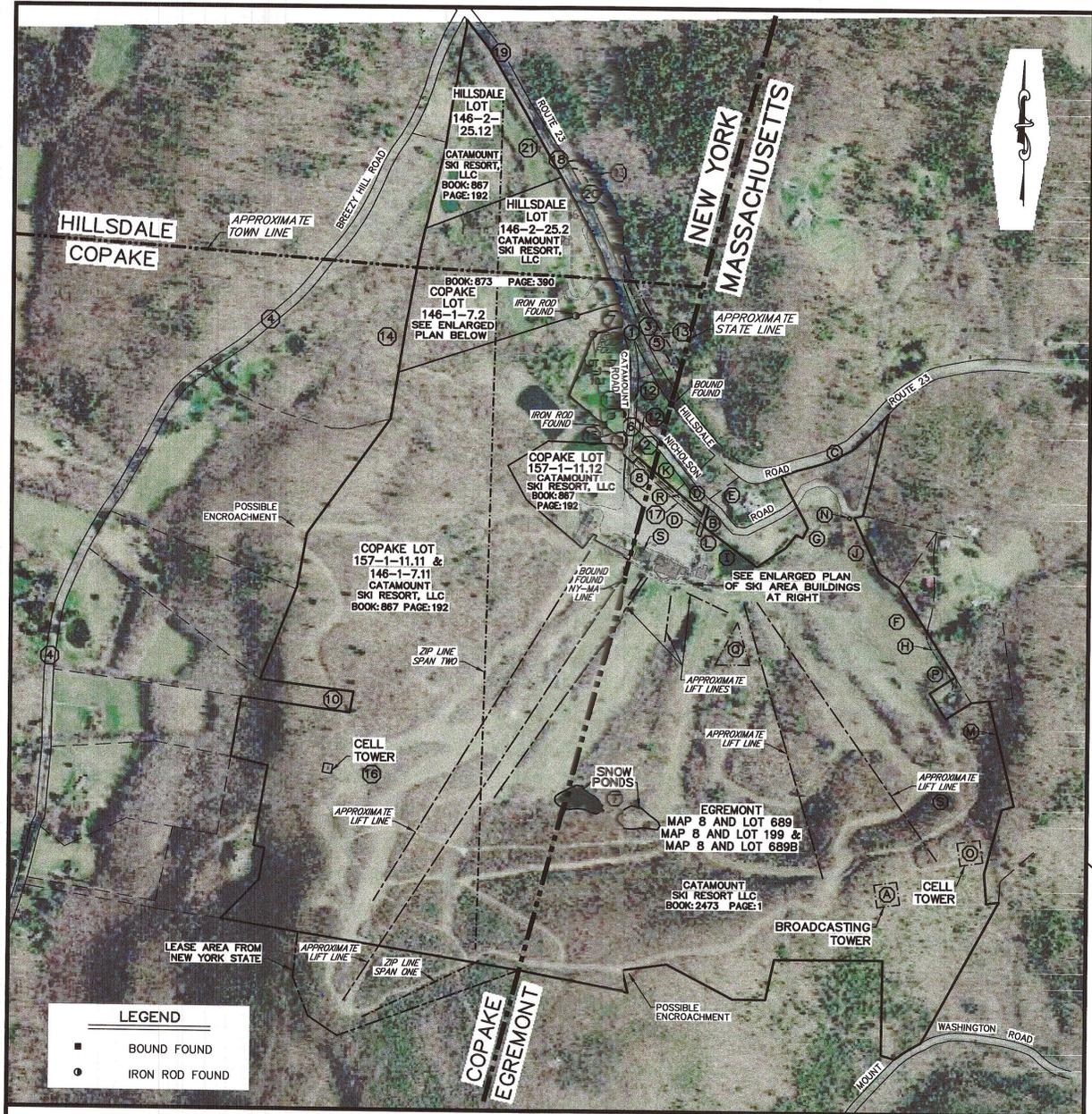
22. In the event that Catamount Ski Resort, LLC enters into a contract with another party for the purchase and sale of the Property or James Schaefer and Jonathan Schaefer no longer own a controlling interest in Catamount Ski Resort, LLC, Catamount Ski Resort shall be required to notify the Zoning Board of Appeals in writing thirty (30) days in advance of such occurrence and shall appear before the Zoning Board of Appeals along with the proposed buyer of the Property or new members of the LLC to allow the Board to conduct a review of the terms and conditions of this Special Permit with the proposed buyer and/or new controlling members and to modify these conditions as the Zoning Board deems necessary and appropriate. The Applicant shall notify direct abutters, and abutters within 300 feet of the Property, in writing of the date and time of said meeting no less than seven (7) days in advance.
23. Compliance with all conditions of this Special Permit may be reviewed by the Zoning Board of Appeals at a public meeting, and if the Board has determined that there has been a material and continuing violation of these conditions, the Board may impose appropriate sanctions, including modifying these conditions.
24. Catamount Ski Resort shall comply with all other applicable federal, state, and local laws, rules, and ordinances applicable to the Property, any uses thereof, and construction of any improvements.

EXHIBIT D

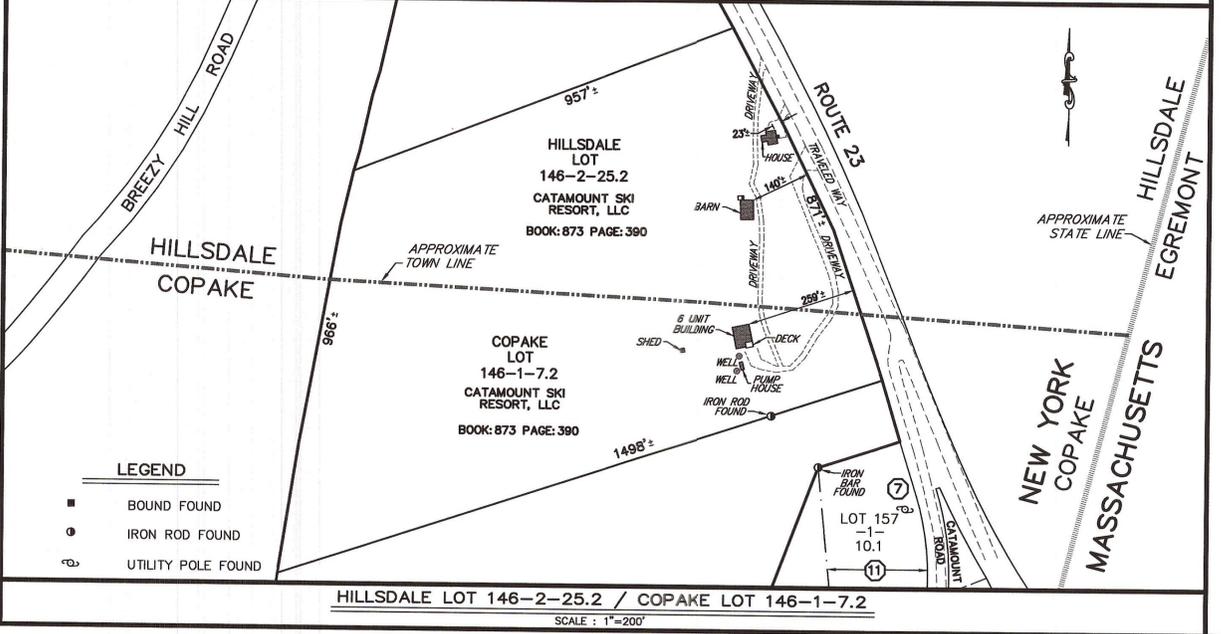


REVISIONS:
REVISIONS:
CONSTRUCTION CONTROL & PROJECT ENGINEER: Design Group, Inc. Civil Engineers • Surveyors • Consultants 2 FERRIS BLVD • WESTFIELD, MASSACHUSETTS 01095 • (413) 442-3000
Star Building Systems
BETNR Engineering & Construction Corp. 400 OLD DALTON ROAD, HINSDALE, MA 01235 PHONE: (413) 499-0095 FAX: (413) 499-4108
TITLE: FLOOR PLAN
CLIENT: CATAMOUNT SKI AREA 17 NICHOLSON ROAD S. EGREMONT, MA
DRAWN BY: ALLAN FERRY
CHECKED BY:
SCALE: 1/8"=1'-0"
DATE: 7-25-19
DWG NO.: A-1

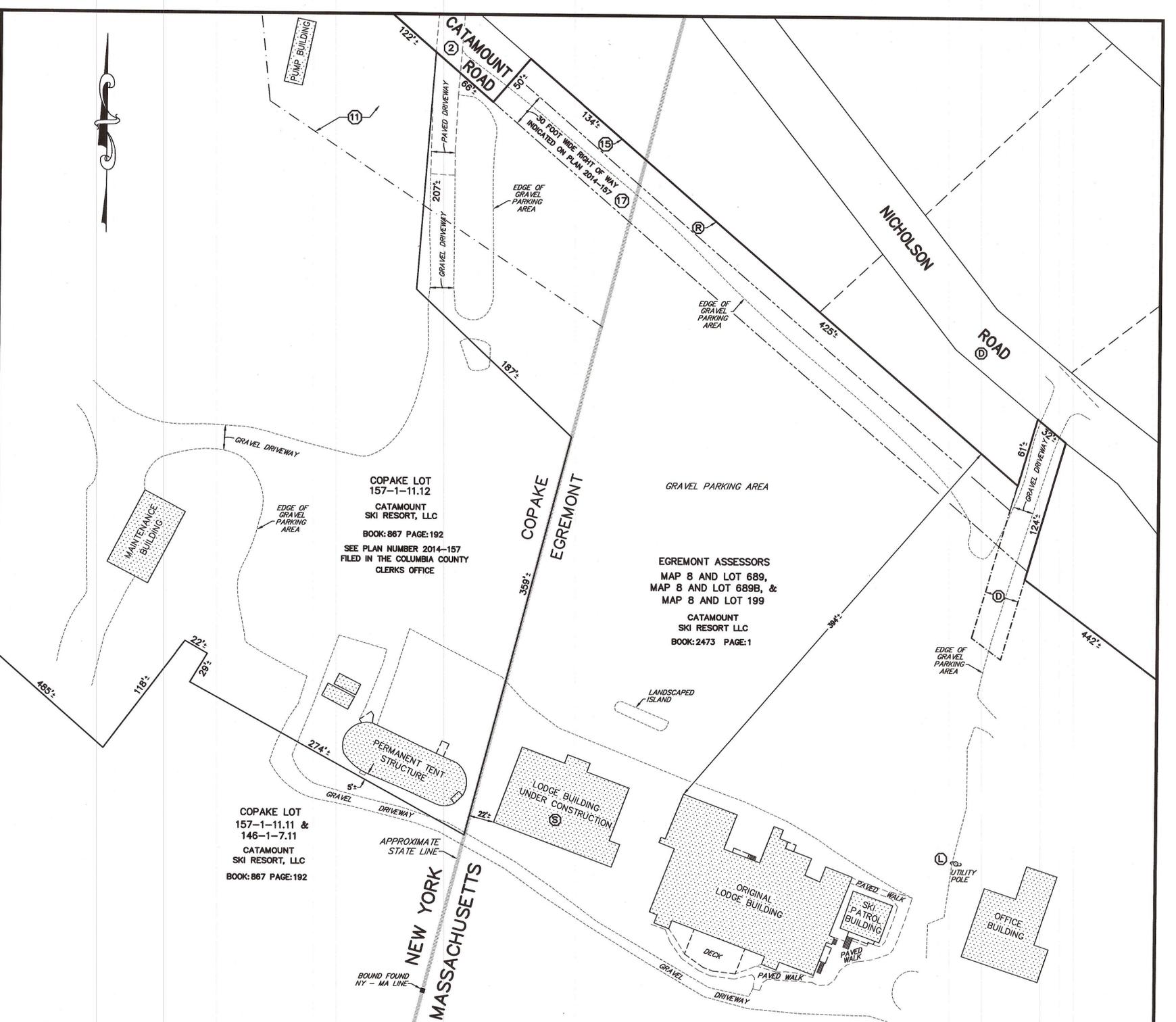
EXHIBIT E



OVERALL PROPERTY PLAN
SCALE: 1"=500'



HILLSDALE LOT 146-2-25.2 / COPAKE LOT 146-1-7.2
SCALE: 1"=200'



MORTGAGE INSPECTION PLOT PLAN
PREPARED FOR

CATAMOUNT SKI RESORT, LLC

78 CATAMOUNT ROAD
HILLSDALE, NEW YORK
COPAKE, NEW YORK
EGREMONT, MASSACHUSETTS

Scale: 0 25 50 Feet
0 5 10 15 Meters
1"=50'

OCTOBER 3, 2019
UPDATED: OCTOBER 17, 2019
OCTOBER 30, 2019

Design Group, Inc.
Civil Engineers * Surveyors * Consultants
2 FEDERICO DRIVE * PITTSFIELD, MASSACHUSETTS 01201 * (413)443-3537

NOTES:

1. THIS PLOT PLAN SHOWS THE MAIN BUILDINGS ON THE CATAMOUNT SKI RESORT, LLC PROPERTIES, BUT DOES NOT INDICATE THE BUILDINGS ON THE MOUNTAIN. THE SKI LIFT LINES AND THE ZIP LINES INDICATED WERE COMPILED AND SHOULD BE CONSIDERED APPROXIMATE.
2. THE SUBJECT PROPERTIES DO NOT FALL WITHIN THE 100 YEAR FLOOD PLAIN AS INDICATED ON THE NEW YORK FEMA FLOOD HAZARD BOUNDARY MAPS DATED JUNE 19, 1985 OR INDICATED ON THE MASSACHUSETTS FEMA FLOOD HAZARD BOUNDARY MAPS DATED JUNE 15, 1982.
3. THIS PLAN WAS DRAWN FOR MORTGAGE PURPOSES ONLY AND IS NOT TO BE RECORDED OR CONSTRUED TO BE AN INSTRUMENT SURVEY. THE BUILDING AND LOT LINES SHOWN ON THIS PLAN ARE APPROXIMATELY LOCATED AS SHOWN.
4. SOME OF THE PROPERTY LINES INDICATED (ESPECIALLY ON TOP OF THE MOUNTAIN) WERE COMPILED FROM ASSESSORS INFORMATION AND SHOULD BE CONSIDERED APPROXIMATE.
5. NO KNOWN CATAMOUNT STRUCTURES OR IMPROVEMENTS WERE OBSERVED ON THE ADJOINING PROPERTIES BESIDES THE TWO POSSIBLE SKI TRAIL ENCROACHMENTS INDICATED.

PLAN OF SKI AREA BUILDINGS
SCALE: 1"=50'

EXHIBIT F



Town of Egremont

P.O. Box 368
 171 Egremont Plain Road (Route 71),
 Egremont, MA 01258
 Phone: (413) 528-0182 Ext. 13
 Fax : (413) 528-5465
 www.egremont-ma.gov

NED: (413) 347-6320

Permit# C-18-0007

Date 9/18/2018

Application to	C-18-0007	Permit to	100' X 70' steel building with metal roof, wood siding, and glass curtain walls. Two exterior entries of the same material.			
Permit Address	17 NICHOLSON RD	Map	090/008.0	Parcel	090/008.0 0000 0689.0	
Zoning District	C	Dwl Units		Stories	Class	Occ/Use
Property Owner	CATAMOUNT SKI RESORT LLC		Address 17 NICHOLSON RD SO EGREMONT MA 01258			
Type of Construction	V	Est cost of Construction	\$ 1,145,700.00	Public Water?	Public Sewer? <input type="checkbox"/>	
Architect	Matt Puntin		Engineer	Matt Puntin		
Contractor	Ronald Carver		Fee Amt.	\$ 8,979.00		
Remarks						

This permit is subject to all Federal, State and Local laws and regulations and may be revoked if their requirements are violated.

<input type="checkbox"/> FOOTING AND STEEL	Egremont, Massachusetts Inspector of Buildings 780 CMR Ninth Edition	Permit #	C-18-0007			
<input type="checkbox"/> FOUNDATION AND STEEL		Date	9/18/2018			
<input type="checkbox"/> FRAMING AND FIRE CAULK		Application to:- C-18-0007				
<input type="checkbox"/> INSULATION						
<input type="checkbox"/> FINAL INSPECTION / COI						
Address:- 17 NICHOLSON RD						
BUILDING INSPECTOR	PLUMBING AND GAS INSPECTOR	ELECTRICAL INSPECTOR				
	Approved	Disapproved	Approved	Disapproved	Approved	
	Underground	<input type="radio"/>	<input type="radio"/>	Service	<input type="radio"/>	<input type="radio"/>
	Rough Piping	<input type="radio"/>	<input type="radio"/>	Roughing wiring	<input type="radio"/>	<input type="radio"/>
	Gas Test	<input type="radio"/>	<input type="radio"/>			
	C of O/FINAL	<input type="radio"/>	<input type="radio"/>	C of O/FINAL	<input type="radio"/>	<input type="radio"/>
	FIRE DEPARTMENT			HEALTH DEPARTMENT		
	Approved	Disapproved	Approved	Disapproved	Approved	
	Oil burner	<input type="radio"/>	<input type="radio"/>	Septic field	<input type="radio"/>	<input type="radio"/>
	Smoke detector	<input type="radio"/>	<input type="radio"/>	C of O/FINAL	<input type="radio"/>	<input type="radio"/>
	C of O/FINAL	<input type="radio"/>	<input type="radio"/>	Date		
	CONSERVATION			PUBLIC UTILITIES		
	C of O/FINAL	<input type="radio"/>	<input type="radio"/>	C of O/FINAL	<input type="radio"/>	<input type="radio"/>
Comments						
Signature	<i>N. Baldwin</i>					

INSPECTIONS



EXHIBIT G



Town of Egremont

P.O. Box 368
 171 Egremont Plain Road (Route 71),
 Egremont, MA 01258
 Phone: (413) 528-0182 Ext. 13
 Fax : (413) 528-5465
 www.egremont-ma.gov

Permit# C-19-0006

Date 9/6/2019

Application to	C-19-0006	Permit to	Add a wood structure addition to the west side and to the east side of the currently permitted steel structure. One to be used as a ticket booth and customer service area and one to be used as utility basement, food service, and one office. The existing building will have a mezzanine in the middle. There will be retaining walls and a loading dock wall. This building and another lodge to be fully sprinkled.			
Permit Address	17 NICHOLSON RD		Map	090/008.0	Parcel	090/008.0 0000 0689.0
Zoning District	C	Dwl Units	Stories	Class	Occ/Use	A-3 and B
Property Owner	CATAMOUNT SKI RESORT LLC		Address	PO BOX 128 SO EGREMONT MA 1258		
Type of Construction	V		Est cost of Construction	\$ 1,792,030.00	Public Water?	Public Sewer? <input type="checkbox"/>
Architect	matt puntin		Engineer	matt puntin		
Contractor	Ronald Carver		Fee Amt.	\$ 14,802.00		
Remarks						

This permit is subject to all Federal, State and Local laws and regulations and may be revoked if their requirements are violated.

<input type="checkbox"/> FOOTING AND STEEL	Egremont, Massachusetts Inspector of Buildings 780 CMR Ninth Edition		Permit # C-19-0006		
<input type="checkbox"/> FOUNDATION AND STEEL			Date 9/6/2019		
<input type="checkbox"/> FRAMING AND FIRE CAULK					
<input type="checkbox"/> INSULATION					
<input type="checkbox"/> FINAL INSPECTION / COI					
Address:- 17 NICHOLSON RD			Application to:- C-19-0006		
BUILDING INSPECTOR	PLUMBING AND GAS INSPECTOR	ELECTRICAL INSPECTOR			
	Approved	Disapproved	Approved	Disapproved	
Underground	<input checked="" type="radio"/>	<input type="radio"/>	Service	<input checked="" type="radio"/>	<input type="radio"/>
Rough Piping	<input checked="" type="radio"/>	<input type="radio"/>	Roughing wiring	<input checked="" type="radio"/>	<input type="radio"/>
Gas Test	<input checked="" type="radio"/>	<input type="radio"/>			
C of O/FINAL	<input checked="" type="radio"/>	<input type="radio"/>	C of O/FINAL	<input checked="" type="radio"/>	<input type="radio"/>
	FIRE DEPARTMENT		HEALTH DEPARTMENT		
	Approved	Disapproved	Approved	Disapproved	
Oil burner	<input checked="" type="radio"/>	<input type="radio"/>	Septic field	<input checked="" type="radio"/>	<input type="radio"/>
Smoke detector	<input checked="" type="radio"/>	<input type="radio"/>	C of O/FINAL	<input checked="" type="radio"/>	<input type="radio"/>
C of O/FINAL	<input checked="" type="radio"/>	<input type="radio"/>	Date		
	CONSERVATION		PUBLIC UTILITIES		
C of O/FINAL	<input checked="" type="radio"/>	<input type="radio"/>	C of O/FINAL	<input checked="" type="radio"/>	<input type="radio"/>
Comments					
Signature	N. Baldwin				

EXHIBIT H



Town Of Egremont

Temporary Certificate of Use and Occupancy

Per 780 CMR, 9th Edition Commercial Code

This is to certify that all work performed under Permit # C-19-0006 has been completed, and permission is hereby granted per the Massachusetts State Building Code allowing the occupancy or use of the Building or structure, or part thereof, shown as:

Permitted Location:	Map#	090/008.0	Parcel#	090/008.0 0000 0689.0	Zoning	C
Street Address:	17 NICHOLSON RD					
City / Town	Egremont, MA				Zip Code:	01258
Owner:	CATAMOUNT SKI RESORT LLC					
Owner Address (If different than above)	PO BOX 128 SO EGREMONT MA 1258					

The building / structure, or portion thereof as described below*, has been inspected for compliance with the requirements of 780 CMR, 9th Edition, for the occupancy and division of occupancy and use for which the proposed occupancy is classified.

Use group classification/s (780 CMR 3):	A-3, Business,	Construction Type (Table 601):	5
--	----------------	-----------------------------------	---

Design Occupant load per floor/space			
Story	Capacity	Story	Capacity
1st	200		

An Automatic Sprinkler System	Was provided <input type="checkbox"/>	Was not provided <input checked="" type="checkbox"/>
	Was required <input type="checkbox"/>	Was not required <input type="checkbox"/>
If provided - Sprinkler System design complied with NFPA 13 <input type="checkbox"/> 13R <input type="checkbox"/> 13D <input type="checkbox"/>		

*Under the following limitations, special stipulations, and / or conditions of the permit:

Temporary C of O V. Occupancy is limited to 250 persons, 1st floor only.	
This Certificate is valid until:	1/19/2020
Certificate of Use and Occupancy #:	CO # C-19-0006-CO
Building Official (Print)	Ned Baldwin
Building Official (Signature)	<i>N. Baldwin</i>

Per 780 CMR, 9th edition, Section 111.5.1 - A copy of this Certificate shall be posted by owner at the main entry or be made readily available for inspection.

Required Egress and Assembly Postings shall be made and maintained as required by 780 CMR, 9th edition, sections 111.5.2, 111.5.3 and 111.5.4.

EXHIBIT I

Office of the Board of Assessors
Town of Egremont

P.O. Box 368
South Egremont, Massachusetts 01258-0368
Email: assessors@egremont-ma.gov
413-528-0182 Ext. 14

Robin Goldberg, Chair
Susan Turner, Member
Francine Groener, Member
Harald M. Scheid, Regional Tax Assessor

20 February 2020

Catamount Ski Resort, LLC
C/O Martin & Oliveira
75 South Church Street
Pittsfield, MA 01201

The following are abutters within 300 feet of the properties at Nicholson Road, Egremont, MA (Map 8 Parcels 689, 689.B and 199), as requested.

There are 20 properties and the fee is \$1.00 per property. Please send a check for \$20 payable to the Town of Egremont. (Three of the parcels are owned by Catamount but had to be researched and included in the abutters).

Parcel Number: 008-0048.0
Property Address: 1 Nicholson Road
Parcel Number: 008-0123.0
Property Address: 3 Jenssen Road
Parcel Number: 008-0283.0
Property Address: 0 Hillsdale Road
Mailing Address: Jenssen, Victoria
1668 Whiteside Road
Cleveland, Nova Scotia CANADA B0E 1J0

Parcel Number: 008-0122.A
Property Address: 0 Mt Washington Road
Mailing Address: Egremont Land Trust Inc
PO Box 132
South Egremont, MA 01258

Parcel Number: 008-0140.0
Property Address: 0 Tyrell Road
Parcel Number: 008-0904.B
Property Address: 0 Jug End Road
Mailing Address: Ogilvie, Sylvia
Ogilvie, John
755 Park Ave APT 3A
New York, NY 10021

Parcel Number: 008-0150.0
Property Address: 5 Nicholson Road
Mailing Address: Serpe, Somer
5 Nicholson Road
Great Barrington, MA 01230

Office of the Board of Assessors
Town of Egremont

P.O. Box 368

South Egremont, Massachusetts 01258-0368

Email: assessors@egremont-ma.gov

413-528-0182 Ext. 14

Robin Goldberg, Chair
Susan Turner, Member
Francine Groener, Member
Harald M. Scheid, Regional Tax Assessor

Parcel Number: 008-0201.0
Property Address: 18 Nicholson Road
Parcel Number: 008-0642.0
Property Address: 0 Nicholson Road
Mailing Address: Alper, Gert & Cynthia
PO Box 707
South Egremont, MA 01258

Parcel Number: 008-0344.0
Property Address: 270 Hillsdale Road
Mailing Address: Lightfoot, Paul & Karen
31 Stephenson Terrace
Briarcliff Manor, NY 10510

Parcel Number: 008-0403.0
Property Address: 6 Fisher Lane
Mailing Address: Carpenite, Thomas & Rosemary
6 Fisher Lane
Great Barrington, MA 01230

Parcel Number: 008-0691.0
Property Address: 9 Gilbert Road
Mailing Address: Savastano, Vincent & Anita
4 Marsala Ct
Cortlandt Manor, NY 10567

Parcel Number: 008-0691.A
Property Address: 0 Gilbert Road
Mailing Address: Battipaglia, Jack A Jr & Nina
321 East 43RD Street APT 503
New York, NY 10017

Parcel Number: 008-0718.0
Property Address: 13 Nicholson Road
Mailing Address: Shemshack LLC
28 East 95TH Street
New York, NY 10128

Parcel Number: 008-0742.A
Property Address: 278 Hillsdale Road
Mailing Address: Whitaker, Ksenija
PO Box 564
South Egremont, MA 01258

Parcel Number: 008-0937.0
Property Address: 0 Mt Washington Road
Mailing Address: Egremont Water Dept
PO Box 681

Office of the Board of Assessors
Town of Egremont

P.O. Box 368

South Egremont, Massachusetts 01258-0368

Email: assessors@egremont-ma.gov

413-528-0182 Ext. 14

Robin Goldberg, Chair

Susan Turner, Member

Francine Groener, Member

Harald M. Scheid, Regional Tax Assessor

South Egremont, MA 01258

Parcel Number: 008-1011.0
Property Address: 0 Mt Washington Road
Mailing Address: Seligman, David
PO Box 188
South Egremont, MA 01258

Respectfully Submitted,

Egremont Board of Assessors

Thursday 20 February 2020

EXHIBIT J

Property Record Card

Parcel ID: **090/008.0-0000-0689.B** MAP: **008.0** BLOCK: **0000** LOT: **0689.B** Parcel Address: **0 NICHOLSON RD** FY: **2018**

PARCEL INFORMATION

Use-Code:	130	Sale Price:		Book:		Road Type:	T	Inspect Date:	
Owner:	CATAMOUNT DEVELOPMENT CORP	Tax Class:	T	Sale Date:		Page:	P	Meas Date:	
Address:	PO BOX 128 SO EGREMONT MA 01258	Tot Fin Area:	0	Sale Type:		Cert/Doc:	M	Entrance:	
		Tot Land Area:	2.000	Sale Valid:		Water:	NO	Collect Id:	
		Sewer:		Grantor:		Sewer:	NO	Inspect Reas:	
		Exempt-B/L%	0/0	Resid-B/L%	100/100	Comm-B/L%	0/0	Indust-B/L%	0/0
								Open Sp-B/L%	

LAND INFORMATION

NBHD CODE:	2	NBHD CLASS:		ZONE:	R1			
Seg	Type	Code	Method	Sq-Ft	Acres	Influ-Y/N	Value	Class
1	R	130	A		2.000	N	20,000	

VALUATION INFORMATION

Current Total:	20,000	Bldg:	0	Land:	20,000	MktLnd:	20,000
Prior Total:	20,000	Bldg:	0	Land:	20,000	MktLnd:	20,000

Sketch

**No Sketch
Available**

Photo

**No Picture
Available**

Property Record Card

Parcel ID: **090/008.0-0000-0199.0** MAP: **008.0** BLOCK: **0000** LOT: **0199.0** Parcel Address: **0 NICHOLSON RD** FY: **2018**

PARCEL INFORMATION

Use-Code:	392	Sale Price:	Book:	Road Type:	T	Inspect Date:
Owner:	Tax Class: T	Sale Date:	Page:	Rd Condition:	P	Meas Date:
CATAMOUNT DEVELOPMENT CORP	Tot Fin Area: 0	Sale Type:	Cert/Doc:	Traffic:	M	Entrance:
Address:	Tot Land Area: 1.200	Sale Valid:	Water:	NO	Collect Id:	
PO BOX 128	Sewer:	Grantor:	Sewer:	NO	Inspect Reas:	
SO EGREMONT MA 01258	Exempt-B/L% 0/0	Resid-B/L% 0/0	Comm-B/L% 100/100	Indust-B/L% 0/0	Open Sp-B/L%	

LAND INFORMATION

NBHD CODE:	2	NBHD CLASS:	ZONE:	C				
Seg	Type	Code	Method	Sq-Ft	Acres	Influ-Y/N	Value	Class
1	R	392	A		1.200	N	12,000	

VALUATION INFORMATION

Current Total:	12,000	Bldg:	0	Land:	12,000	MktLnd:	12,000
Prior Total:	12,000	Bldg:	0	Land:	12,000	MktLnd:	12,000

Sketch

No Sketch Available

Photo

No Picture Available

Commercial Property Record Card

Parcel ID: 090/008.0-0000-0689.0 MAP: 008.0 BLOCK: 0000 LOT: 0689.0 Parcel Address: 17 NICHOLSON RD FY: 2018

PARCEL INFORMATION

Use-Code: 388	Sale Price: 0	Book: 471	Road Type: T	Inspect Date:	
Owner: CATAMOUNT DEVELOPMENT CORP	Tax Class: T	Sale Date: 01/01/1999	Page: 100	Rd Condition: D	Meas Date:
Tot Fin Area: 27632	Sale Type: P	Cert/Doc:	Traffic: L	Entrance:	
Address: PO BOX 128	Tot Land Area: 164.000	Sale Valid: N	Water: PR	Collect Id:	
SO EGREMONT MA 01258	Sewer:	Grantor:	Sewer: SP	Inspect Reas:	
Exempt-B/L% 0/0	Resid-B/L% 0/0	Comm-B/L% 100/100	Indust-B/L% 0/0	Open Sp-B/L% 0/0	

COMMERCIAL SECTIONS/GROUPS

Section: ID:101	Use-Code:388					
Category	Grnd-FI-Area	Story Height	Bldg-Class	Yr-Built	Eff-Yr-Built	Cost Bldg
2	12698	1.0	D	1960	1977	347900
Groups:						
Id	Cd	B-FL-A	Flrs	Flrs		
1	388	12698	1	1		
2	340	1104	1	1		
3	388	2942	1	1		

Section: ID:102	Use-Code:388					
Category	Grnd-FI-Area	Story Height	Bldg-Class	Yr-Built	Eff-Yr-Built	Cost Bldg
2	1188	2.0	D	1960	1977	417700
Groups:						
Id	Cd	B-FL-A	Flrs	Flrs		
2	326	10926	1	1		
3	325	1680	1	1		

Section: ID:201	Use-Code:388					
Category	Grnd-FI-Area	Story Height	Bldg-Class	Yr-Built	Eff-Yr-Built	Cost Bldg
9	1224	1.2	C	1960		35600
Groups:						
Id	Cd	B-FL-A	Flrs	Flrs		
2	388	612	1	1		
3	388	612	1	1		

Sketch

LAND INFORMATION

NBHD CODE: 2	NBHD CLASS:	ZONE: C						
Seg	Type	Code	Method	Sq-Ft	Acres	Influ-Y/N	Value	Class
1	P	388	A		1.000	N	89,000	
2	S	388	A		52.000	N	1,388,400	
3	R	388	A		67.000	N	670,000	
4	U	388	A		44.000	N	44,000	
5	P	388	A		1.000	N		H
6	S	809	A		52.000	N		R
7	R	388	A		10.500	N		H
8	R	809	A		56.500	N		R
9	U	809	A		44.000	N		R

DETACHED STRUCTURE INFORMATION

Str	Unit	Msr-1	Msr-2	E-YR-Blt	Grade	Cond	%Good P/F/E/R	Cost
B1	S	30	20.00	1940	FA	AG	///51	6,000
SE	S	30	12.00	1940	A	AG	///53	2,900
G1	S	188	20.00	1940	A	AG	///53	47,000
SE	S	16	12.00	1940	A	AG	///53	1,500
OT	C	1	1.00	1996	G	G	///100	18,000
OT	S	1	1.00	2000	G	G	///100	12,300
SE	S	12	10.00	2016	A	A	///100	1,800

VALUATION INFORMATION

Current Total:	1,584,100	Bldg:	890,700	Land:	693,400	MktLnd:	2,191,400
Prior Total:	1,582,300	Bldg:	888,900	Land:	693,400	MktLnd:	2,191,400

Photo

