

Zoning Board of Appeals  
April 30, 2020  
Catamount Ski Area  
Special Permit Public hearing 7:05pm  
Via Zoom Meeting

Present: ZBA Chairman Elliott Snyder, Member Cathy Fracasse , Member Mark Holmes, and Kayvan Haki, Deborah Levinson, Danny Danash, Eileen Vining, Jim Scalise, William Martin, Jackie Burdick, Lannon Killea, Somer Serpe, David Hodges, Mark Roggen, Alex Glover, C. Kellerman, Karen Berger, John Schaffer, Mary McGurn, Matt Taggart, Morriss Partee.

Cathy Fracase read the hearing notice. Catamount Ski Area is seeking a special permit to expand their uses to have summer activities, passive recreation and social events from April 1 through November 30. Catamount has proposed a set of 27 conditions to discuss.

Several abutters have issued letters of support. (All can be found in the file.)

The owners at the Swiss Hutte, the Alpers, have expressed concern over especially in the evenings when their restaurant is most busy.

Discussion ensued surround the types of events, extent and type of live music, traffic issues, hours, number of attendees. The application is not to make Catamount a music venue, but rather a high end wedding venue, and an outdoor sporting facility. They may seek special permission for specific large events as needed, but that is not the intent.

The following 27 conditions were reviewed.

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 1<sup>st</sup> and November 30<sup>th</sup> 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 339-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 9:00PM.
7. Amplified sound at outdoor events shall end 9:00PM.
8. This permit does not allow outdoor only music events without a separate special permit application and approval by the appropriate authority.
9. Outdoor events with more than 1,000 total attendees shall be limited to not more than 6 events per summer season per total event cap below. Property shall implement mechanism for counting attendees throughout each event. No event shall have more than 2500

- attendees overall.
10. Outdoor events with between 500 and 1,000 total attendees shall be limited to not more than 6 events per summer season per total event cap below. Property shall implement mechanism for counting attendees throughout each event.
  11. **Total** outdoor events greater than 500 total attendees shall be limited to a total of 6.
  12. 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).
  13. Fireworks shall be limited to 2 times per summer and shall end by 10:00PM.
  14. The Operator shall not permit or cause a noise which is objectionable due to volume, intermittence, beat frequency, audible pure tones or shrillness to be transmitted outside the Property, and in no case shall such noise exceed 60 dB(A) at any property line or cause the broadband sound level at a residence or building housing sensitive receptors to exceed ambient background by more than 5 dB(A), nor shall any noise be otherwise in violation of any General Law, Regulation or By-Law. The Operator shall at all times comply with Massachusetts Department of Environmental Protection noise regulation. This provision shall not apply to summer fireworks displays.
  15. 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). No throttled cycles or other vehicles will be utilized.
  16. No additional ziplines shall be installed using a combination of metal cables and metal rollers (existing ziplines may be maintained and replaced).
  17. Mountain lighting shall not be used during the summer season.
  18. Catamount Ski Resort shall give notice to the police department of any event exceeding 300 participants and, as required, 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. Such notice will be provided fourteen (14 days) prior to the event.
  19. If authorized by the Town of Egremont, Catamount Ski Resort shall facilitate temporary closure of Nicholson Road for access to the property by attendees, and will, in any event, will provide signage discouraging the use of Nicholson Road.
  20. Catamount Ski Resort shall conduct outdoor events such that traffic impacts to the Town of Egremont are not excessive nor unreasonable. In the event the town asserts such unreasonable or excessive traffic impacts have occurred, Catamount Ski Resort shall complete and provide a traffic study and implement remedial measures as deemed necessary.
  21. 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.
  22. 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.
  23. 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 Police Department and to abutters who request such information in writing.
24. The Operator shall keep a log of all complaints and corrective actions taken, which log shall be available to the Zoning Enforcement Officer and the Police Department upon request.
  25. This Special Permit is granted 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.
  26. 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.
  27. 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.

A 8:47 pm the hearing was recessed to May 14, 2020 to finalize the conditions and vote on the application.

Chairman Snyder noted that legal counsel has ruled that the ZBA does have jurisdiction over the additional 2 requests from the Egremont Village Inn special permit application. The ZBA will need to have another hearing which was scheduled for May 21, 2020.

Meeting adjourned at 8:56pm.

Hearing reconvened on May 14, 2020 at 5:03pm via zoom meeting.

The Board made the following specific findings regarding the property in question and the proposed use.

- A. The proposed amendment is in compliance with all other provisions and requirements of the Bylaw, and in harmony with its general intent and purpose.
- B. The proposed amendment is essential or desirable to the public convenience or welfare at the proposed location.
- C. The proposed amendment is not detrimental to adjacent uses or to the established or planned future character of the neighborhood.
- D. The proposed amendment will not create undue traffic congestion, or unduly impair pedestrian safety.
- E. The proposed amendment 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 Board of Appeals unanimously voted to grant a special permit to Catamount Ski Area LLC under the following article and section of the Zoning Bylaw: 4.3.1.5, expanded off ski season activities, including indoor and outdoor social and recreational events with the 27 conditions spelled out above.

Members:

Elliott Snyder - yes; Cathy Fracasse - yes; Mark Holmes - yes.

Mary Brazie,  
Office Administrator