

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, ss.

WESTERN DIVISION HOUSING COURT
Docket No. _____

CITY OF PITTSFIELD BUILDING INSPECTORS'
DEPARTMENT,

Plaintiff,

v.

SANDRI REALTY, INC., owner of 51 Center Street,
Pittsfield, MA 01201

Defendant,

**PETITION TO ENFORCE THE
CODE OF THE CITY OF PITTSFIELD, MASSACHUSETTS**

(City of Pittsfield Zoning Ordinance Article 23-4, § 4.308 and City of Pittsfield Sign Ordinance 25-4, § 4.5 and §4.4 and City of Pittsfield Zoning Ordinance Article 23-8, § 8.3)

THE PARTIES

1. The address of the subject property is 51 Center Street, Pittsfield, Massachusetts ("Property").
2. The Plaintiff is the authorized agent of a municipal corporation which has a principal place of business at 70 Allen Street, Berkshire County, Pittsfield, Massachusetts.
3. The Defendant, **SANDRI REALTY, INC.**, a Massachusetts corporation with an address of 400 Chapman Street, Greenfield, MA 01301, is the owner of the Property (Berkshire Middle District Registry of Deeds Book 1047, Page 847) which is within the geographic area served by the Court.

COUNT I

(Violation of City of Pittsfield Zoning Ordinance Article 23-4, § 4.308)

4. On or about April 11, 2024, Plaintiff inspected the Property in response to complaints, and observed snowplows and snow removal equipment blocking the line of sight at the intersections located at Center and Church Street as well as Center and South Church Street in Pittsfield, MA in violation of the City of Pittsfield Zoning Ordinance Article 23-4, § 4.308¹ and issued the First Notice of Violation of City Ordinance together with a fine in the amount of \$50.00. (See Ticket No.: 03157 in Exhibit "B" – incorporated herein by reference).
5. On or about May 6, 2024, Plaintiff reinspected the Property and observed that the violation had not been corrected and issued a Second Notice of Violation of City

¹Article 23-4, §4.308 of City of Pittsfield Zoning Ordinance is attached hereto as Exhibit A.

²Article 25-4, §§ 4.4 & 4.5 of City of Pittsfield Zoning Ordinance are attached hereto as Exhibit H.

³Article 23-8, §8.3 of City of Pittsfield Zoning Ordinance is attached hereto as Exhibit N.

Ordinance together with a fine in the amount of \$100. (See Ticket No.: 03160 in Exhibit “C” – incorporated herein by reference).

6. On or about May 17, 2024, Plaintiff reinspected the Property and observed that the violation had not been corrected and issued a Third Notice of Violation of City Ordinance together with a fine in the amount of \$3,300. (See Ticket No.: 03162 in Exhibit “D” – incorporated herein by reference).
7. On or about June 3, 2024, Plaintiff reinspected the Property and observed that the violation had not been corrected and issued a Fourth Notice of Violation of City Ordinance together with a fine in the amount of \$5,100. (See Ticket No.: 03164 in Exhibit “E” - – incorporated herein by reference).
8. On or about June 13, 2024, Plaintiff reinspected the Property and observed that the violation had not been corrected and issued a Fifth Notice of Violation of City Ordinance together with a fine in the amount of \$3,000. (See Ticket No.: 03167 in Exhibit “F” – incorporated herein by reference).
9. On or about July 10, 2024, Plaintiff reinspected the Property and observed that the violation had not been corrected and issued a Sixth Notice of Violation of City Ordinance together with a fine in the amount of \$8,100. (See Ticket No.: 03171 in Exhibit “G” – incorporated herein by reference).
10. To date, the total fines issued by Plaintiff in connection with Defendant’s violation of City of Pittsfield Zoning Ordinance Article 23-4, § 4.308 total \$19,650 and remain unpaid.

COUNT II

(Violation of City of Pittsfield Sign Ordinance Article 25-4, § 4.5)

11. On or about April 11, 2024, Plaintiff inspected the Property in response to complaints, and observed snowplows and snow removal equipment blocking the line of sight at the intersections located at Center and Church Street as well as Center and South Church Street in Pittsfield, MA in violation of the City of Pittsfield Sign Ordinance Article 25-4, § 4.5² and issued the First Notice of Violation of City Ordinance together with a fine in the amount of \$50.00 on the same ticket as issued with respect to the violation of the City of Pittsfield Zoning Ordinance set forth in Count I above. (See Ticket No.: 03157 in Exhibit “B” – incorporated herein by reference).
12. On or about May 6, 2024, Plaintiff reinspected the Property and observed that the violation had not been corrected and issued a Second Notice of Violation of City Ordinance together with a fine in the amount of \$100 on the same ticket as issued with respect to the violation of the City of Pittsfield Zoning Ordinance set forth in Count I above. (See Ticket No.: 03160 in Exhibit “C” - incorporated herein by reference).
13. On or about May 17, 2024, Plaintiff reinspected the Property and observed that the violation had not been corrected and issued a Third Notice of Violation of City Ordinance together with a fine in the amount of \$3,300 on the same ticket as issued with respect to the violation of the City of Pittsfield Zoning Ordinance set forth in Count I above. (See Ticket No.: 03162 in Exhibit “D” – incorporated herein by reference).

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²Article 25-4, §§ 4.4 & 4.5 of City of Pittsfield Zoning Ordinance are attached hereto as Exhibit H.

³Article 23-8, §8.3 of City of Pittsfield Zoning Ordinance is attached hereto as Exhibit N.

14. On or about June 3, 2024, Plaintiff reinspected the Property and observed that the violation had not been corrected and issued a Fourth Notice of Violation of City Ordinance together with a fine in the amount of \$5,100 on the same ticket as issued with respect to the violation of the City of Pittsfield Zoning Ordinance set forth in Count I above. (See Ticket No.: 03164 in Exhibit “E” – incorporated herein by reference).
15. On or about June 13, 2024, Plaintiff reinspected the Property and observed that the violation had not been corrected and issued a Fifth Notice of Violation of City Ordinance together with a fine in the amount of \$3,000 on the same ticket as issued with respect to the violation of the City of Pittsfield Zoning Ordinance set forth in Count I above. (See Ticket No.: 03167 in Exhibit “F” – incorporated herein by reference).
16. On or about July 10, 2024, Plaintiff reinspected the Property and observed that the violation had not been corrected and issued a Sixth Notice of Violation of City Ordinance together with a fine in the amount of \$8,100 on the same ticket as issued with respect to the violation of the City of Pittsfield Zoning Ordinance set forth in Count I above. (See Ticket No.: 03171 in Exhibit “G” – incorporated herein by reference).
17. To date, the total fines issued by Plaintiff in connection with Defendant’s violation of City of Pittsfield Zoning Ordinance Article 23-4, § 4.308 (as set forth in Count I above) and City of Pittsfield Sign Ordinance Article 25-5, § 4.5 total \$19,650 and remain unpaid.

COUNT III

(Violation of City of Pittsfield Sign Ordinance Article 25-4, § 4.4)

18. On or about April 29, 2024, Plaintiff inspected the Property in response to complaints, and observed “feather style” free standing signs located within the public way in the grass along the sidewalk located on Center Street in violation of the City of Pittsfield Sign Ordinance Article 25-4, § 4.4² and issued the First Notice of Violation of City Ordinance together with a fine in the amount of \$50. (See Ticket No.: 03158 in Exhibit “I” – incorporated herein by reference).
19. On or about May 6, 2024, Plaintiff reinspected the Property and observed that the violation had not been corrected and issued a Second Notice of Violation of City Ordinance together with a fine in the amount of \$100. (See Ticket No.: 03159 in Exhibit “J” – incorporated herein by reference).
20. On or about May 17, 2024, Plaintiff reinspected the Property and observed that the violation had not been corrected and issued a Third Notice of Violation of City Ordinance together with a fine in the amount of \$3,300. (See Ticket No.: 03161 in Exhibit “K” – incorporated herein by reference).
21. On or about June 3, 2024, Plaintiff reinspected the Property and observed that the violation had not been corrected and issued a Fourth Notice of Violation of City Ordinance together with a fine in the amount of \$5,100. (See Ticket No.: 03163 in Exhibit “L”).
22. On or about June 13, 2024, Plaintiff reinspected the Property and observed that the violation had not been corrected and issued a Sixth Notice of Violation of City Ordinance together with a fine in the amount of \$2,100. (See Ticket No.: 03166 in Exhibit “M” –

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²Article 25-4, §§ 4.4 & 4.5 of City of Pittsfield Zoning Ordinance are attached hereto as Exhibit H.

³Article 23-8, §8.3 of City of Pittsfield Zoning Ordinance is attached hereto as Exhibit N.

incorporated herein by reference).

23. To date, the total fines issued by Plaintiff in connection with Defendant's violation of City of Pittsfield Sign Ordinance Article 25-5, § 4.4 total \$10,650 and remain unpaid.

COUNT IV

(Violation of City of Pittsfield Sign Ordinance Article 23-8, § 8.3)

24. On or about June 21, 2024, Plaintiff inspected the Property and observed snowplows and snow removal equipment stacked and stored throughout the entirety of the property and marketed for sale in violation of the City of Pittsfield Zoning Ordinance Article 23-8, § 8.3³ as an expansion of a non-conforming use and issued the First Notice of Violation of City Ordinance together with a fine in the amount of \$50. (See Ticket No.: 03168 in Exhibit "O" – incorporated herein by reference).
25. On or about June 22, 2024, Plaintiff reinspected the Property and observed that the violation had not been corrected and issued a Second Notice of Violation of City Ordinance together with a fine in the amount of \$100. (See Ticket No.: 03169 in Exhibit "P" – incorporated herein by reference).
26. On or about July 9, 2024, Plaintiff reinspected the Property and observed that the violation had not been corrected and issued a Third Notice of Violation of City Ordinance together with a fine in the amount of \$5,100. (See Ticket No.: 03170 in Exhibit "Q" – incorporated herein by reference).
27. To date, the total fines issued by Plaintiff in connection with Defendant's violation of City of Pittsfield Sign Ordinance Article 23-8, § 8.3 total \$5,250 and remain unpaid.

WHEREFORE, the Plaintiff requests this Court to Enter a Temporary Restraining Order, Preliminary Injunction, or Permanent Injunction against Defendant **SANDRI REALTY, INC.** as set forth below:

- (1) To correct all Zoning violations and City of Pittsfield Sign Ordinance violations at the Property.
- (2) To order removal of all snow plows, snow equipment, and/or signage at SANDRI REALTY, INC.'s expense if violations are not corrected within a reasonable timeframe.
- (3) To order SANDRI REALTY, INC. to remit payment for the accrued fines in the total sum of \$35,550.
- (4) To assess any additional fines, penalties, costs, and/or attorney's fees in an amount to be determined by the Court
- (5) To be enjoined from transferring the property located at 51 Center Street, Pittsfield, Massachusetts without leave of court.

¹Article 23-4, §4.308 of City of Pittsfield Zoning Ordinance is attached hereto as Exhibit A.

²Article 25-4, §§ 4.4 & 4.5 of City of Pittsfield Zoning Ordinance are attached hereto as Exhibit H.

³Article 23-8, §8.3 of City of Pittsfield Zoning Ordinance is attached hereto as Exhibit N.

(6) Grant such other relief as justice and equity require and the Court deems just and proper.

Dated: April 2, 2025

Respectfully submitted,
THE PLAINTIFF
CITY OF PITTSFIELD, THROUGH ITS
BUILDING INSPECTORS DEPARTMENT
BY ITS ATTORNEY



Devon W. Grierson, Esq.
City Solicitor
City of Pittsfield
70 Allen Street, Room 200
Pittsfield, Massachusetts 01201
Phone: (413) 499-9352
Email: dgrierson@cityofpittsfield.org
BBO#: 682724

VERIFICATION OF COMPLAINT

I do affirm and state that I have read the foregoing Complaint and that the facts contained therein are true and accurate to the best of my knowledge and belief. In further support of the issuance of the requested order, the Petitioner submits the attached Affidavit this 2nd day of April, 2025.

Signed under the pains and penalties of perjury this 2 day of April 2025.



Mark Rogers, Local Building Inspector
City of Pittsfield Building Inspectors Department
10 Fenn Street, Pittsfield, MA 01201
(413) 499-9440, mrogers@cityofpittsfield.org

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²Article 25-4, §§ 4.4 & 4.5 of City of Pittsfield Zoning Ordinance are attached hereto as Exhibit H.

³Article 23-8, §8.3 of City of Pittsfield Zoning Ordinance is attached hereto as Exhibit N.

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, ss.

WESTERN DIVISION HOUSING COURT
Docket No. _____

CITY OF PITTSFIELD BUILDING INSPECTORS'
DEPARTMENT,

Plaintiff,

v.

SANDRI REALTY, INC., owner of 51 Center Street,
Pittsfield, MA 01201

Defendant,

AFFIDAVIT IN SUPPORT
OF COMPLAINT

AFFIDAVIT OF MARK ROGERS

MARK ROGERS, for his affidavit under oath, states:

1. I am employed by the City of Pittsfield (the "City") as a Local Building Inspector, a position I have held since August 31, 2022. In this capacity, I am authorized and mandated by the Pittsfield Building Inspectors Department to inspect and enforce ordinances, rules, and regulations required under the City of Pittsfield Ordinances pursuant to City of Pittsfield Ordinance Article 23-12, §12.1, including, conducting inspections in response to complaints and reinspection to verify compliance.
2. The subject premises is a .723-acre property located in a Downtown Creative District (DCD) zoning district, having 244 feet of frontage on Center Street, 134 feet of frontage on Church Street, and .126 feet of frontage on South Church Street having an address of 51 Center Street, Pittsfield (the "Property"). There is one building on the property which has a principal use as a service center, automobile mechanic shop, and gas station. There is also a canopy structure over the gasoline pumps. The owner of record is Sandri Realty, Inc. of which Timothy Van Epps is the Registered Agent.

¹Article 23-4, §4.308 of City of Pittsfield Zoning Ordinance is attached hereto as Exhibit A.

²Article 25-4, §§ 4.4 & 4.5 of City of Pittsfield Zoning Ordinance are attached hereto as Exhibit H.

³Article 23-8, §8.3 of City of Pittsfield Zoning Ordinance is attached hereto as Exhibit N.

3. On or about April 11, 2024, in response to complaints, I inspected the Property and observed snowplows and snow removal equipment blocking the line of sight at the intersections located at Center and Church Street as well as Center and South Church Street in Pittsfield, MA in violation of the City of Pittsfield Zoning Ordinance Article 23-4, § 4.308 and City of Pittsfield Sign Ordinance Article 24-4, § 4.5 and issued the First Notice of Violation of City Ordinance together with a fine in the amount of \$50.00 (See Exhibit “B”).
4. The Property was reinspected on or about May 6, 2024; May 17, 2024; June 3, 2024; June 13, 2024; and July 10, 2024 and subsequent Notices of Violation of the City of Pittsfield Zoning Ordinance Article 23-4, § 4.308 and City of Pittsfield Sign Ordinance Article 24-4, § 4.5 were issued together with fines (See Exhibits “C” through “G”).
5. To date, the total fines accrued in relation to the violations of City of Pittsfield Zoning Ordinance Article 23-4, § 4.308 and City of Pittsfield Sign Ordinance Article 24-4, § 4.5 total \$19,650 and remain unpaid (See Exhibits “B” through “G”).
6. On or about April 29, 2024, in response to complaints, I inspected the Property and observed “feather style” free standing signs located within the public way in the grass along the sidewalk located on Center Street in violation of the City of Pittsfield Sign Ordinance Article 25-4, § 4.4 and issued the First Notice of Violation of City Ordinance together with a fine in the amount of \$50. (See Exhibit “I”).
7. The Property was reinspected on or about May 6, 2024; May 17, 2024; June 3, 2024, and June 13, 2024 and subsequent Notices of Violation of the City of Pittsfield Sign Ordinance Article 24-4, § 4.4 were issued together with fines (See Exhibits “J” through “M”).
8. To date, the total fines accrued in relation to the violations of the City of Pittsfield Sign Ordinance Article 24-4, § 4.4 total \$10,650 and remain unpaid (See Exhibits “I” through “M”).
9. On or about June 21, 2024, I inspected the Property and observed snowplows and snow removal equipment stacked and stored throughout the entirety of the property and marketed for sale in

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²Article 25-4, §§ 4.4 & 4.5 of City of Pittsfield Zoning Ordinance are attached hereto as Exhibit H.

³Article 23-8, §8.3 of City of Pittsfield Zoning Ordinance is attached hereto as Exhibit N.

violation of the City of Pittsfield Zoning Ordinance Article 23-8, § 8.3 as an expansion of a non-conforming use and issued the First Notice of Violation of City Ordinance together with a fine in the amount of \$50. (See Exhibit “O”).

10. The Property was reinspected on or about June 22, 2024 and July 9, 2024 and subsequent Notices of Violation of the City of Pittsfield Sign Ordinance Article 24-4, § 4.4 were issued together with fines (See Exhibits “P” and “Q”).
11. To date, the total fines accrued in relation to the violations of the City of Pittsfield Zoning Ordinance Article 23-8, § 8.3 and remain unpaid (See Exhibits “O” through “Q”).
12. To date, the total fines accrued in relation to the above-referenced violations total \$35,550.
13. To date, the above-referenced zoning and sign ordinance violations have not been corrected.

Therefore, this City of Pittsfield Local Building Inspector requests this Honorable Court issue an order as requested.

Signed under pains and penalties of perjury this 2 day of April 2025.



Mark Rogers, Local Building Inspector
City of Pittsfield Building Inspectors Department
10 Fenn Street, Pittsfield, MA 01201
(413) 499-9440, mrogers@cityofpittsfield.org

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²Article 25-4, §§ 4.4 & 4.5 of City of Pittsfield Zoning Ordinance are attached hereto as Exhibit H.

³Article 23-8, §8.3 of City of Pittsfield Zoning Ordinance is attached hereto as Exhibit N.

EXHIBIT A

SECTION 4.308 VISIBILITY AT INTERSECTIONS

On a corner lot in any district where a front yard is required, nothing shall be erected, placed (including snow), planted, or allowed to be or to grow in such a manner as materially to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the curb level within the triangular area formed by the intersection of any two street lines and a line joining points along said street lines twenty (20) feet from the point of intersection of the two street lines.

SECTION 4.309 SCREENING REGULATIONS

- A. The requirements of the screening regulations shall be complied with as provided in this ordinance and wherever any of the following situations may occur on a lot:
1. Where a business or industrial use adjoins a Residence District or a residential or institutional use, which business or industry shall provide and maintain a screen along the property line adjoining such Residence District or such residential or institutional use.
 2. Where an off-street parking facility or lot for more than five (5) vehicles or an off-street loading area is established as either a permitted use or an accessory use adjacent to a Residence District or a residential or institutional use, a screen shall be provided and maintained along the property line adjoining the Residence District or residential or institutional use (**ORD #423-1982**)
 3. Where a portion or all of a lot is used as a permitted use, or an accessory use in conjunction with a permitted use, for the purpose of storing in open-air or unenclosed structures new or discarded materials, products or wastes, in bulk or in containers, a screen shall be provided and maintained in such a manner as to obscure the storage of materials, products, or wastes from view from a street or from adjoining properties.
- B. All screens shall be established and maintained in a sightly and well-kept condition and shall be designed to comply with the following requirements:
1. A screen may consist of plant materials, at least three (3) feet in height at the time of planting, which are of a type that may be expected to form a year-round, dense screen and will reach a height in maturity of at least five (5) feet and which shall be maintained at a height no greater than eight (8) feet; or a masonry wall or wooden fence from five (5) feet to six (6) feet in height at least fifty (50) percent solid, designed in an attractive manner not to obscure any view.
 2. A screen shall occupy a strip of land at least five (5) feet in width along a property line or the periphery of the screened area. Where a screen consists of a masonry wall or wooden screen, the remainder of the required five (5) foot strip shall be landscaped with trees, shrubs or lawn.
- C. Any existing growth of trees and shrubs may take the place of the required planting, wall or fencing, if, in the judgment of the Community Development Board or the Building Inspector, such growth provides equivalent screening. Additional planning or landscaping shall be provided and maintained whenever the Building Inspector finds that sufficient planting or landscaping

EXHIBIT B



**CITY OF PITTSFIELD
NOTICE OF VIOLATION
OF CITY ORDINANCE**

03157

DATE OF THIS NOTICE: 4/29/24
 NAME OF OFFENDER: Sandy Realty Inc. / Timothy Van Epps
 ADDRESS OF OFFENDER: 100 Chapman St. Greenfield, MA 01301
 CITY, STATE, ZIP CODE: Greenfield, MA 01301 DATE OF BIRTH OF OFFENDER: N/A
 MV OPERATOR LICENSE NUMBER: N/A MV/MB REGISTRATION NUMBER: N/A
 OFFENSE: Pittsfield Sign Ordinance 23-4-5 Traffic sight lines blocked by plows at intersection. Zoning Ordinance 23-4-308.
 TIME AND DATE OF VIOLATION: 9:45 AM April 11, 2024
 LOCATION OF VIOLATION AT: 51 Center Street, Pittsfield, MA 01201
 SIGNATURE OF ENFORCING PERSON: [Signature] ENFORCING DEPARTMENT: Building
 I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION
 UNABLE TO OBTAIN SIGNATURE OF OFFENDER DATE MAILED: 4/29/24

THE NONCRIMINAL FINE FOR THIS OFFENSE IS: \$ 50.00

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as final disposition, with no resulting criminal record.

- You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:
 City Clerk
 City of Pittsfield
 City Hall
 Pittsfield, MA 01201
- If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:
 Clerk-Magistrate
 Berkshire District Court
 Wendell Avenue
 Pittsfield, MA 01201
 Attn.: 21D Noncriminal Hearings
- If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of: \$ _____

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

SIGNATURE _____ OFFENDER'S COPY

NUMBER



**CITY OF PITTSFIELD
NOTICE OF VIOLATION
OF CITY ORDINANCE**

03157

DATE OF THIS NOTICE: _____
 NAME OF OFFENDER: _____
 ADDRESS OF OFFENDER: _____
 CITY, STATE, ZIP CODE: _____ DATE OF BIRTH OF OFFENDER: _____
 MV OPERATOR LICENSE NUMBER: _____ MV/MB REGISTRATION NUMBER: _____
 OFFENSE: _____
 TIME AND DATE OF VIOLATION: _____
 LOCATION OF VIOLATION AT: _____
 SIGNATURE OF ENFORCING PERSON: _____ ENFORCING DEPARTMENT: _____
 I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION
 UNABLE TO OBTAIN SIGNATURE OF OFFENDER DATE MAILED: _____

THE NONCRIMINAL FINE FOR THIS OFFENSE IS: \$ _____

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as final disposition, with no resulting criminal record.

- You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:
 City Clerk
 City of Pittsfield
 City Hall
 Pittsfield, MA 01201
- If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:
 Clerk-Magistrate
 Berkshire District Court
 Wendell Avenue
 Pittsfield, MA 01201
 Attn.: 21D Noncriminal Hearings
- If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of: \$ _____

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

SIGNATURE _____ CITY CLERK'S COPY



**CITY OF PITTSFIELD
OFFICE OF THE BUILDING COMMISSIONER**

April 29, 2024

Sandri Realty Inc.
Timothy Van Epps
400 Chapman Street
Greenfield, MA, 01301

Dear Timothy Van Epps:

NOTICE OF VIOLATION / 51 CENTER STREET / PARCEL H080021001

On April 11, 2024, acting under the authority of the City of Pittsfield Ordinance Article 23-12, § 12.1, in response to a complaint, I inspected the property at 51 Center Street for snowplows blocking the line of site at the intersections located at Center/Church Street and Center/South Church Street.

The property is a (.723) acre located in a Downtown Creative District (DCD) zoning district, having (244) feet of frontage on Center Street, (134) feet of frontage on Church Street, and (126) feet of frontage on South Church Street. There is one building on the property, which has a principal use as a service center, automobile mechanic shop, and gas station. There is also a canopy structure over the gasoline pumps.

According to the records of the City assessor's office, Sandri Realty INC is the owner of that property. Timothy Van Epps is the Registered Agent of the Corporation.

At the time of the inspection, I observed there were snowplows and snow removal equipment blocking the line of site at the intersections located at Center/Church Street and Center/South Church Street.

Blocking the line of site at an intersection with signs, advertisements, or any other objects within is a violation of the City of Pittsfield Zoning Ordinance Article 23-4 § 4.308 and Pittsfield Sign Ordinance 25-5 § 4.5.

YOU ARE HEREBY ORDERED TO REMEDY, CORRECT AND ABATE THE VIOLATION. Within 24 hours of receipt of this letter, you must remove the referenced snowplows and snow removal equipment to comply with the ordinance.

A fine of \$50.00 has been issued with this violation. Please find ticket #03157 enclosed.

Please be advised that Article 23-12 § 12.6 states "Whoever shall violate any provision of this ordinance or fails to comply with any of its requirements shall, upon conviction, be fined not more than three hundred (\$300.00) dollars for each offense. Each day such violation continues, shall be considered a separate offense."

If you are aggrieved by this order, you may appeal pursuant to the City of Pittsfield Zoning Ordinance Article 23-11.

Mark Rogers
Local Building Inspector

EXHIBIT C



CITY OF PITTSFIELD
NOTICE OF VIOLATION
OF CITY ORDINANCE

03160

DATE OF THIS NOTICE: 5/16/24
 NAME OF OFFENDER: Sandi Realty Inc / Timothy Van Epps
 ADDRESS OF OFFENDER: 400 Chapman St
 CITY, STATE, ZIP CODE: Pittsfield, MA 01301
 DATE OF BIRTH OF OFFENDER: N/A
 MV OPERATOR LICENSE NUMBER: N/A
 MV/MB REGISTRATION NUMBER: N/A
 OFFENSE: Pittsfield Sign Ordinance 25-4.5. Traffic sight lines blocked by plants at intersection. Zone of Ordinance 23-4.308.
 TIME AND DATE OF VIOLATION: 10:15 A.M. 5/16/2024
 LOCATION OF VIOLATION AT: St. Central Street Pittsfield, MA 01201
 SIGNATURE OF ENFORCING PERSON: [Signature] ENFORCING DEPARTMENT: Building

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION
 X
 UNABLE TO OBTAIN SIGNATURE OF OFFENDER
 DATE MAILED: 5/16/24

THE NONCRIMINAL FINE FOR THIS OFFENSE IS: \$ 100.00

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as final disposition, with no resulting criminal record.

- You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:
 City Clerk
 City of Pittsfield
 City Hall
 Pittsfield, MA 01201
- If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:
 Clerk-Magistrate
 Berkshire District Court
 Wendell Avenue
 Pittsfield, MA 01201
 Attn.: 21D Noncriminal Hearings
- If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of: \$ _____

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

SIGNATURE _____
OFFENDER'S COPY



CITY OF PITTSFIELD
NOTICE OF VIOLATION
OF CITY ORDINANCE

NUMBER
03160

DATE OF THIS NOTICE: _____
 NAME OF OFFENDER: _____
 ADDRESS OF OFFENDER: _____
 CITY, STATE, ZIP CODE: _____ DATE OF BIRTH OF OFFENDER: _____
 MV OPERATOR LICENSE NUMBER: _____ MV/MB REGISTRATION NUMBER: _____
 OFFENSE: _____
 TIME AND DATE OF VIOLATION: _____
 LOCATION OF VIOLATION AT: _____
 SIGNATURE OF ENFORCING PERSON: _____ ENFORCING DEPARTMENT: _____

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION
 X
 UNABLE TO OBTAIN SIGNATURE OF OFFENDER
 DATE MAILED: _____

THE NONCRIMINAL FINE FOR THIS OFFENSE IS: \$ _____

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as final disposition, with no resulting criminal record.

- You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:
 City Clerk
 City of Pittsfield
 City Hall
 Pittsfield, MA 01201
- If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:
 Clerk-Magistrate
 Berkshire District Court
 Wendell Avenue
 Pittsfield, MA 01201
 Attn.: 21D Noncriminal Hearings
- If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of: \$ _____

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

SIGNATURE _____
CITY CLERK'S COPY



**CITY OF PITTSFIELD
OFFICE OF THE BUILDING COMMISSIONER**

May 06, 2024

Sandri Realty Inc.
Timothy Van Epps
400 Chapman Street
Greenfield, MA, 01301

Dear Timothy Van Epps:

NOTICE OF VIOLATION / 51 CENTER STREET / PARCEL H080021001

On May 6, 2024, acting under the authority of the City of Pittsfield Ordinance Article 23-12, § 12.1, in response to a complaint, I reinspected the property at 51 Center Street for snowplows blocking the line of site at the intersections located at Center/Church Street and Center/South Church Street.

The property is a (.723) acre located in a Downtown Creative District (DCD) zoning district, having (244) feet of frontage on Center Street, (134) feet of frontage on Church Street, and (126) feet of frontage on South Church Street. There is one building on the property, which has a principal use as a service center, automobile mechanic shop, and gas station. There is also a canopy structure over the gasoline pumps.

According to the records of the City assessor's office, Sandri Realty INC is the owner of that property. Timothy Van Epps is the Registered Agent of the Corporation.

At the time of the reinspection, I observed there were snowplows and snow removal equipment blocking the line of site at the intersections located at Center/Church Street and Center/South Church Street.

Blocking the line of site at an intersection with signs, advertisements, or any other objects within is a violation of the City of Pittsfield Zoning Ordinance Article 23-4 § 4.308 and Pittsfield Sign Ordinance 25-5 § 4.5.

YOU ARE HEREBY ORDERED TO REMEDY, CORRECT AND ABATE THE VIOLATION. Immediately, upon receipt of this letter, you must remove the referenced snowplows and snow removal equipment to comply with the ordinance. This is your second offense.

A second fine of \$100.00 has been issued for this violation. Please find ticket #03160 enclosed.

Please be advised that Article 23-12 § 12.6 states "Whoever shall violate any provision of this ordinance or fails to comply with any of its requirements shall, upon conviction, be fined not more than three hundred (\$300.00) dollars for each offense. Each day such violation continues, shall be considered a separate offense."

If you are aggrieved by this order, you may appeal pursuant to the City of Pittsfield Zoning Ordinance Article 23-11.

Mark Rogers
Local Building Inspector

EXHIBIT D



**CITY OF PITTSFIELD
NOTICE OF VIOLATION
OF CITY ORDINANCE**

03162

DATE OF THIS NOTICE

5/17/24

NAME OF OFFENDER

Scotts Realty Inc. / Timothy Van Epps

ADDRESS OF OFFENDER

400 CHADMAN ST.

CITY, STATE, ZIP CODE

GREENFIELD MA 01301

DATE OF BIRTH OF OFFENDER

N/A

MV OPERATOR LICENSE NUMBER

N/A

MV/MB REGISTRATION NUMBER

N/A

OFFENSE

Pittsfield Sign Ordinance
25-4.5 Traffic sign lines
blocked by plants off intersection -
zone is on lane 23-4.308

TIME AND DATE OF VIOLATION

12:00 P.M. ON: 5/17/24

LOCATION OF VIOLATION AT

St. Charles St. Pittsfield MA 01201

SIGNATURE OF ENFORCING PERSON

[Signature] R. Long

ENFORCING DEPARTMENT

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

X

UNABLE TO OBTAIN SIGNATURE OF OFFENDER

DATE MAILED

5/17/24

THE NONCRIMINAL FINE FOR THIS OFFENSE IS: \$ 300.00

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as final disposition, with no resulting criminal record.

1. You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:

City Clerk
City of Pittsfield
City Hall
Pittsfield, MA 01201

2. If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:

Clerk-Magistrate
Berkshire District Court
Wendell Avenue
Pittsfield, MA 01201
Attn.: 21D Noncriminal Hearings

3. If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of: \$ _____

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

SIGNATURE _____

OFFENDER'S COPY



**CITY OF PITTSFIELD
NOTICE OF VIOLATION
OF CITY ORDINANCE**

NUMBER

03162

DATE OF THIS NOTICE

NAME OF OFFENDER

ADDRESS OF OFFENDER

CITY, STATE, ZIP CODE

DATE OF BIRTH OF OFFENDER

MV OPERATOR LICENSE NUMBER

MV/MB REGISTRATION NUMBER

OFFENSE

TIME AND DATE OF VIOLATION

A.M. P.M. ON: 199

LOCATION OF VIOLATION AT

SIGNATURE OF ENFORCING PERSON

ENFORCING DEPARTMENT

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

X

UNABLE TO OBTAIN SIGNATURE OF OFFENDER

DATE MAILED

THE NONCRIMINAL FINE FOR THIS OFFENSE IS: \$

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as final disposition, with no resulting criminal record.

1. You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:

City Clerk
City of Pittsfield
City Hall
Pittsfield, MA 01201

2. If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:

Clerk-Magistrate
Berkshire District Court
Wendell Avenue
Pittsfield, MA 01201
Attn.: 21D Noncriminal Hearings

3. If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of: \$ _____

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

SIGNATURE _____

CITY CLERK'S COPY



**CITY OF PITTSFIELD
OFFICE OF THE BUILDING COMMISSIONER**

May 17, 2024

Sandri Realty Inc.
Timothy Van Epps
400 Chapman Street
Greenfield, MA, 01301

Dear Timothy Van Epps:

NOTICE OF VIOLATION / 51 CENTER STREET / PARCEL H080021001

On May 17, 2024, acting under the authority of the City of Pittsfield Ordinance Article 23-12, § 12.1, in response to a complaint, I reinspected the property at 51 Center Street for snowplows blocking the line of site at the intersections located at Center/Church Street and Center/South Church Street.

The property is a (.723) acre located in a Downtown Creative District (DCD) zoning district, having (244) feet of frontage on Center Street, (134) feet of frontage on Church Street, and (126) feet of frontage on South Church Street. There is one building on the property, which has a principal use as a service center, automobile mechanic shop, and gas station. There is also a canopy structure over the gasoline pumps.

According to the records of the City assessor's office, Sandri Realty INC is the owner of that property. Timothy Van Epps is the Registered Agent of the Corporation.

At the time of the reinspection, I observed there were snowplows and snow removal equipment blocking the line of site at the intersections located at Center/Church Street and Center/South Church Street.

Blocking the line of site at an intersection with signs, advertisements, or any other objects within is a violation of the City of Pittsfield Zoning Ordinance Article 23-4 § 4.308 and Pittsfield Sign Ordinance 25-5 § 4.5.

YOU ARE HEREBY ORDERED TO REMEDY, CORRECT AND ABATE THE VIOLATION. Immediately, upon receipt of this letter, you must remove the referenced snowplows and snow removal equipment to comply with the ordinance. This is your second offense.

A third fine of \$3300.00 has been issued for this violation. Please find ticket #03162 enclosed.

Please be advised that Article 23-12 § 12.6 states "Whoever shall violate any provision of this ordinance or fails to comply with any of its requirements shall, upon conviction, be fined not more than three hundred (\$300.00) dollars for each offense. Each day such violation continues, shall be considered a separate offense."

If you are aggrieved by this order, you may appeal pursuant to the City of Pittsfield Zoning Ordinance Article 23-11.

Certified Mail # 7020 1290 0000 6286 3262

Mark Rogers - Local Building Inspector

EXHIBIT E

CITY OF PITTSFIELD
NOTICE OF VIOLATION
OF CITY ORDINANCE

03164

DATE OF THIS NOTICE: 06/03/24
 NAME OF OFFENDER: SANDI RALITY / Timothy Van Epps
 ADDRESS OF OFFENDER: 400 Chapman St.
 CITY, STATE, ZIP CODE: Greenfield, MA 01301
 DATE OF BIRTH OF OFFENDER: N/A
 MV OPERATOR LICENSE NUMBER: N/A
 MV/MB REGISTRATION NUMBER: N/A
 OFFENSE: Pittsfield Sign Ordinance 25-45 Zoning Ordinance 23-4.308
 Traffic sight lines blocked by plants at intersections.
 TIME AND DATE OF VIOLATION: 8:30 A.M. 06/03/2024
 LOCATION OF VIOLATION AT: 51 Center St. Pittsfield, MA 01201
 SIGNATURE OF ENFORCING PERSON: [Signature] ENFORCING DEPARTMENT: Building

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION
 X
 UNABLE TO OBTAIN SIGNATURE OF OFFENDER
 DATE MAILED: 06/03/24

THE NONCRIMINAL FINE FOR THIS OFFENSE IS: \$ 5100.00

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as final disposition, with no resulting criminal record.

- You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:
 City Clerk
 City of Pittsfield
 City Hall
 Pittsfield, MA 01201
- If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:
 Clerk-Magistrate
 Berkshire District Court
 Wendell Avenue
 Pittsfield, MA 01201
 Attn.: 21D Noncriminal Hearings
- If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of: \$ _____

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

SIGNATURE _____

OFFENDER'S COPY

CITY OF PITTSFIELD
NOTICE OF VIOLATION
OF CITY ORDINANCE

03164

DATE OF THIS NOTICE: _____
 NAME OF OFFENDER: _____
 ADDRESS OF OFFENDER: _____
 CITY, STATE, ZIP CODE: _____ DATE OF BIRTH OF OFFENDER: _____
 MV OPERATOR LICENSE NUMBER: _____ MV/MB REGISTRATION NUMBER: _____
 OFFENSE: _____
 TIME AND DATE OF VIOLATION: _____
 LOCATION OF VIOLATION AT: _____
 SIGNATURE OF ENFORCING PERSON: _____ ENFORCING DEPARTMENT: _____

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION
 X
 UNABLE TO OBTAIN SIGNATURE OF OFFENDER
 DATE MAILED: _____

THE NONCRIMINAL FINE FOR THIS OFFENSE IS: \$ _____

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as final disposition, with no resulting criminal record.

- You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:
 City Clerk
 City of Pittsfield
 City Hall
 Pittsfield, MA 01201
- If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:
 Clerk-Magistrate
 Berkshire District Court
 Wendell Avenue
 Pittsfield, MA 01201
 Attn.: 21D Noncriminal Hearings
- If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of: \$ _____

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

SIGNATURE _____

CITY CLERK'S COPY



**CITY OF PITTSFIELD
OFFICE OF THE BUILDING COMMISSIONER**

June 03, 2024

Sandri Reality Inc.
Timothy Van Epps
400 Chapman Street
Greenfield, MA, 01301

Dear Timothy Van Epps:

NOTICE OF VIOLATION / 51 CENTER STREET / PARCEL H080021001

On June 03, 2024, acting under the authority of the City of Pittsfield Ordinance Article 23-12, § 12.1, in response to a complaint, I reinspected the property at 51 Center Street for snowplows blocking the line of site at the intersections located at Center/Church Street and Center/South Church Street.

The property is a (.723) acre located in a Downtown Creative District (DCD) zoning district, having (244) feet of frontage on Center Street, (134) feet of frontage on Church Street, and (126) feet of frontage on South Church Street. There is one building on the property, which has a principal use as a service center, automobile mechanic shop, and gas station. There is also a canopy structure over the gasoline pumps.

According to the records of the City assessor's office, Sandri Reality INC is the owner of that property. Timothy Van Epps is the Registered Agent of the Corporation.

At the time of the reinspection, I observed there were snowplows and snow removal equipment blocking the line of site at the intersections located at Center/Church Street and Center/South Church Street.

Blocking the line of site at an intersection with signs, advertisements, or any other objects within is a violation of the City of Pittsfield Zoning Ordinance Article 23-4 § 4.308 and Pittsfield Sign Ordinance 25-5 § 4.5.

YOU ARE HEREBY ORDERED TO REMEDY, CORRECT AND ABATE THE VIOLATION. Immediately, upon receipt of this letter, you must remove the referenced snowplows and snow removal equipment to comply with the ordinance. This is your second offense.

A fourth fine of \$5100.00 has been issued for this violation. Please find ticket #03164 enclosed.

Please be advised that Article 23-12 § 12.6 states "Whoever shall violate any provision of this ordinance or fails to comply with any of its requirements shall, upon conviction, be fined not more than three hundred (\$300.00) dollars for each offense. Each day such violation continues, shall be considered a separate offense."

If you are aggrieved by this order, you may appeal pursuant to the City of Pittsfield Zoning Ordinance Article 23-11.

Certified Mail # 7020 1290 0000 6286 3309

A handwritten signature in black ink, appearing to read "Mark Rogers".

Mark Rogers - Local Building Inspector

EXHIBIT F



CITY OF PITTSFIELD
NOTICE OF VIOLATION
OF CITY ORDINANCE

03167

DATE OF THIS NOTICE
06/13/2024

NAME OF OFFENDER
Samir Reality / Thomas Van Epps

ADDRESS OF OFFENDER
100 CHADMAN Street

CITY, STATE, ZIP CODE
Pittsfield, MA 01301

DATE OF BIRTH OF OFFENDER
N/A

MV OPERATOR LICENSE NUMBER
N/A

MV/MB REGISTRATION NUMBER
N/A

OFFENSE
Pittsfield Sign Ordinance
25-4.5. Zoning Ordinance 23-4.308
Traffic Sight Lines blocked by
Plants at Intersection.

TIME AND DATE OF VIOLATION
7:45 A.M. P.M. ON: 06/13/2024

LOCATION OF VIOLATION
St. Charles St. Pittsfield, MA 01301

SIGNATURE OF ENFORCING PERSON
[Signature]

ENFORCING DEPARTMENT
Riding

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

UNABLE TO OBTAIN SIGNATURE OF OFFENDER

DATE MAILED
06/13/2024

THE NONCRIMINAL FINE FOR THIS OFFENSE IS: \$ 3000.00

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as final disposition, with no resulting criminal record.

1. You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:

City Clerk
City of Pittsfield
City Hall
Pittsfield, MA 01201

2. If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:

Clerk-Magistrate
Berkshire District Court
Wendell Avenue
Pittsfield, MA 01201
Attn.: 21D Noncriminal Hearings

3. If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of: \$ _____

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

SIGNATURE _____
OFFENDER'S COPY



CITY OF PITTSFIELD
NOTICE OF VIOLATION
OF CITY ORDINANCE

NUMBER
03167

DATE OF THIS NOTICE

NAME OF OFFENDER

ADDRESS OF OFFENDER

CITY, STATE, ZIP CODE

DATE OF BIRTH OF OFFENDER

MV OPERATOR LICENSE NUMBER

MV/MB REGISTRATION NUMBER

OFFENSE

TIME AND DATE OF VIOLATION

A.M. P.M. ON: _____ 199

LOCATION OF VIOLATION AT

SIGNATURE OF ENFORCING PERSON

ENFORCING DEPARTMENT

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

UNABLE TO OBTAIN SIGNATURE OF OFFENDER

DATE MAILED

THE NONCRIMINAL FINE FOR THIS OFFENSE IS: \$ _____

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as final disposition, with no resulting criminal record.

1. You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:

City Clerk
City of Pittsfield
City Hall
Pittsfield, MA 01201

2. If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:

Clerk-Magistrate
Berkshire District Court
Wendell Avenue
Pittsfield, MA 01201
Attn.: 21D Noncriminal Hearings

3. If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of: \$ _____

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

SIGNATURE _____
CITY CLERK'S COPY



**CITY OF PITTSFIELD
OFFICE OF THE BUILDING COMMISSIONER**

June 13, 2024

Sandri Realty Inc.
Timothy Van Epps
400 Chapman Street
Greenfield, MA, 01301

Dear Timothy Van Epps:

NOTICE OF VIOLATION / 51 CENTER STREET / PARCEL H080021001

On June 13, 2024, acting under the authority of the City of Pittsfield Ordinance Article 23-12, § 12.1, in response to a complaint, I reinspected the property at 51 Center Street for snowplows blocking the line of site at the intersections located at Center/Church Street and Center/South Church Street.

The property is a (.723) acre located in a Downtown Creative District (DCD) zoning district, having (244) feet of frontage on Center Street, (134) feet of frontage on Church Street, and (126) feet of frontage on South Church Street. There is one building on the property, which has a principal use as a service center, automobile mechanic shop, and gas station. There is also a canopy structure over the gasoline pumps.

According to the records of the City assessor's office, Sandri Realty INC is the owner of that property. Timothy Van Epps is the Registered Agent of the Corporation.

At the time of the reinspection, I observed there were snowplows and snow removal equipment blocking the line of site at the intersections located at Center/Church Street and Center/South Church Street.

Blocking the line of site at an intersection with signs, advertisements, or any other objects within is a violation of the City of Pittsfield Zoning Ordinance Article 23-4 § 4.308 and Pittsfield Sign Ordinance 25-5 § 4.5.

YOU ARE HEREBY ORDERED TO REMEDY, CORRECT AND ABATE THE VIOLATION. Immediately, upon receipt of this letter, you must remove the referenced snowplows and snow removal equipment to comply with the ordinance. This is your second offense.

A fifth fine of \$3000.00 has been issued for this violation. Please find ticket #03167 enclosed.

Please be advised that Article 23-12 § 12.6 states "Whoever shall violate any provision of this ordinance or fails to comply with any of its requirements shall, upon conviction, be fined not more than three hundred (\$300.00) dollars for each offense. Each day such violation continues, shall be considered a separate offense."

If you are aggrieved by this order, you may appeal pursuant to the City of Pittsfield Zoning Ordinance Article 23-11.

Certified Mail # 9589 0710 5270 1974 4156 51

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

Mark Rogers - Local Building Inspector

EXHIBIT G



CITY OF PITTSFIELD
NOTICE OF VIOLATION
OF CITY ORDINANCE

03171

DATE OF THIS NOTICE: 07/10/24

NAME OF OFFENDER: Sandri Realty Inc./Timothy Van Epps

ADDRESS OF OFFENDER: 400 Chapman St.
Greenfield, MA 01301

CITY, STATE, ZIP CODE: Greenfield, MA 01301

DATE OF BIRTH OF OFFENDER: N/A

MV OPERATOR LICENSE NUMBER: N/A

MV/MB REGISTRATION NUMBER: N/A

OFFENSE: Pittsfield Sign Ordinance
25-4.5. Traffic sight lines
blocked by obstructing storage plans
(B snow equipment)

TIME AND DATE OF VIOLATION: 9:00 A.M. 07/10/2024

LOCATION OF VIOLATION AT: 51 Center St. Pittsfield, MA 01201

SIGNATURE OF ENFORCING PERSON: [Signature] ENFORCING DEPARTMENT: Building

THEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

X

UNABLE TO OBTAIN SIGNATURE OF OFFENDER

DATE MAILED: 07/10/2024

THE NONCRIMINAL FINE FOR THIS OFFENSE IS: \$ 8,100.00

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as final disposition, with no resulting criminal record.

- You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:
City Clerk
City of Pittsfield
City Hall
Pittsfield, MA 01201
- If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:
Clerk-Magistrate
Berkshire District Court
Wendell Avenue
Pittsfield, MA 01201
Attn.: 21D Noncriminal Hearings
- If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of: \$ _____

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

SIGNATURE _____

OFFENDER'S COPY



**CITY OF PITTSFIELD
OFFICE OF THE BUILDING COMMISSIONER**

July 10, 2024

Sandri Realty Inc.
Timothy Van Epps
400 Chapman Street
Greenfield, MA, 01301

Dear Timothy Van Epps:

NOTICE OF VIOLATION / 51 CENTER STREET / PARCEL H080021001

On June 13, 2024, acting under the authority of the City of Pittsfield Ordinance Article 23-12, § 12.1, in response to a complaint, I reinspected the property at 51 Center Street for snowplows blocking the line of site at the intersections located at Center/Church Street and Center/South Church Street.

The property is a (.723) acre located in a Downtown Creative District (DCD) zoning district, having (244) feet of frontage on Center Street, (134) feet of frontage on Church Street, and (126) feet of frontage on South Church Street. There is one building on the property, which has a principal use as a service center, automobile mechanic shop, and gas station. There is also a canopy structure over the gasoline pumps.

According to the records of the City assessor's office, Sandri Realty INC is the owner of that property. Timothy Van Epps is the Registered Agent of the Corporation.

At the time of the reinspection, I observed there were snowplows and snow removal equipment blocking the line of site at the intersections located at Center/Church Street and Center/South Church Street.

Blocking the line of site at an intersection with signs, advertisements, or any other objects displayed as an advertisement within 20 feet of an intersection is a violation of the City of Pittsfield Sign Ordinance 25-5 § 4.5.

YOU ARE HEREBY ORDERED TO REMEDY, CORRECT AND ABATE THE VIOLATION. Immediately, upon receipt of this letter, you must remove the referenced snowplows and snow removal equipment to comply with the ordinance.

A sixth fine of \$8100.00 has been issued for this violation. Please find ticket #03171 enclosed.

Please be advised that Article 23-12 § 12.6 states "Whoever shall violate any provision of this ordinance or fails to comply with any of its requirements shall, upon conviction, be fined not more than three hundred (\$300.00) dollars for each offense. Each day such violation continues, shall be considered a separate offense."

If you are aggrieved by this order, you may appeal pursuant to the City of Pittsfield Zoning Ordinance Article 23-11.

Certified Mail # 9589 0710 5270 1974 4157 05

Mark Rogers - Local Building Inspector

EXHIBIT H

Chapter 25. Signs

GENERAL REFERENCES

Zoning — See Ch. 23.

Article 25-1. Purpose.

[6-28-2005]

Under authority of the General Laws, the City of Pittsfield adopts this chapter for the regulation and restriction of signs and other outdoor, visual advertising devices on public ways, on private property within public view, in public parks, and in playgrounds. The purposes of these sign regulations are to encourage the effective use of signs as a means of communication in the City; to maintain and enhance the aesthetic environment of the City; to encourage the City's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; and to minimize the possible adverse effect of signs on nearby public and private property.

Article 25-2. Definitions.

[6-28-2005]

Words and phrases used in this chapter shall have meanings set forth in this section. Words and phrases not defined in this section but defined in the Zoning Ordinance of the City^[1] shall be given the meanings set forth in the Zoning Ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

ACCESSORY SIGN

A sign relating in its subject matter to the premises upon which it is located or to the primary products, accommodations, services, or activities upon the premises.

ANIMATED SIGNS

A sign that uses movement, moving images or changes of lighting to depict action or create a special effect or scene.

AREA OF SIGN

The area of a sign shall be determined by measuring the area within the perimeter which forms the outside shape of display elements from the top of the highest display elements to the bottom of the lowest display elements and from exterior side to exterior side of display elements, including in such measurement any black or open area between display elements. Display elements include any letters, words, trademarks, logos, and symbols. Any frame around the sign shall be included in the measurement, but the measurement shall not include any supporting structure or bracing. Any such measurement shall be taken on only one face of the sign, although informational or advertising matter may be displayed on both sides of any permitted sign.

BILLBOARD

A sign in excess of 200 square feet in area and located on a lot, building or roof but unrelated to a business or profession conducted, to a service offered or to a commodity sold upon the premises where such sign is located.

BUILDING SIGN

A sign attached to any part of a building, as contrasted with a freestanding sign, including wall signs, projecting signs and window signs.

BUSINESS

A single store, office, research facility, manufacturing facility, or noncommercial establishment, or similar location for a single activity.

BUSINESS CENTER

A group of five or more businesses which collectively have a name different from the name of any of the individual businesses and which have common private parking and entrance facilities.

COMMERCIAL MESSAGE

Any wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, accommodation, service, or commercial activity.

DIRECTORY SIGN

A sign which lists the tenants or occupants of a premises and may indicate respective professions.

FREESTANDING SIGN

A sign supported by uprights, braces, structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure, including pole signs, ground signs and sandwich signs.

GROUND SIGN

A freestanding sign in contact with or within six inches of the ground surface.

HISTORIC SIGN

An accessory sign 50 or more years old that is structurally safe, or any other sign designated by an accredited historic association or governmental agency to have historical significance.

ILLUMINATED SIGN

A sign that has characters, letters, figures, designs, or outlines illuminated by electric lights or luminous tubes.

INCIDENTAL SIGN

An informational sign, no larger than two square feet, which has a purpose secondary to the use of the premises on which it is located, such as "loading only," "no parking," "entrance," "telephone," "credit cards accepted," "open," "closed," "back in one hour" and other similar directives. No sign with a commercial message with lettering greater than two inches in height shall be considered an incidental sign.

INSPECTOR OF BUILDINGS

The duly appointed inspector of buildings for the City of Pittsfield, local inspector, or any alternate inspector who meets the qualifications set forth in 780 CMR 107.3.

LOT

A parcel of land in single ownership that is recognized as a separate zoning lot.

MARQUEE SIGN

A projecting sign attached to or hung from a marquee, canopy or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line or street line.

POLE SIGN

A freestanding sign elevated more than six inches above the ground surface by a supporting structure.

PORTABLE SIGN

A sign not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied force by means of its geometry or character, or a sign designed to be transported, including, but not limited to, posters, sandwich signs, temporary signs, balloons, flags used as signs, banners, streamers, pennants, umbrellas used for advertising, wheeled signs, signs on portable letter boards, and signs mounted on, attached to or painted on vehicles parked and visible from a public right-of-way.

POSTER

A sign no more than eight square feet in area printed on cardboard, paper or other similar nondurable material and not permanently attached to the ground, a building or other permanent structure. Said sign shall include, but not be limited to, the advertising of goods and services that are weekly or monthly specials, or other types of temporary specials. Said signs shall be exempt from the limitations set forth in Section 5.3A and B, but shall not be exempt from the provisions of Section 4.8.

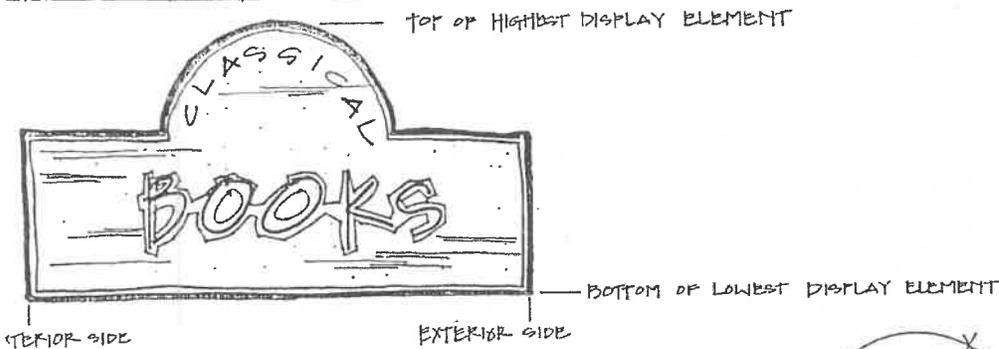
PREMISES

A single residence, building or place of business.

PROJECTING SIGN

A sign attached directly to a building wall, and which extends more than 15 inches from the face of the wall, including, without limitation, so-called shingle signs, marquee signs and signs on canopies and awnings.

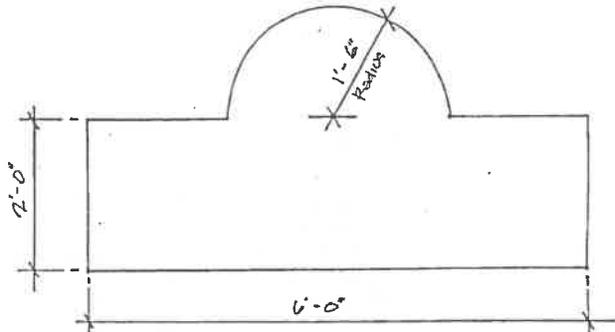
PROJECTING OR WALL SIGN:



AREA OF SIGN:

$$2' \times 6' = 12 \text{ SQUARE FEET}$$
$$\frac{\pi R^2}{2} = (3.14) \cdot (1.5^2) / 2 = 2.5 \text{ SQUARE FEET}$$

$$\begin{array}{r} 12.0 \text{ SQ. FT} \\ + 2.5 \text{ SQ. FT} \\ \hline \text{TOTAL: } 14.5 \text{ SQUARE FEET} \end{array}$$



SANDWICH SIGNS

An A-frame, T-frame, menu or sandwich sign.

SIGN

Any fabricated sign or outdoor display structure, including its structure, consisting of any letter, figure, character, mark, point, plane, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminating device, constructed, attached, erected, fastened or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, and displayed in any manner to advertise, identify, or communicate

information of any kind to the public. All such devices, fixtures, placards and structures visible from a public right-of-way, whether on the exterior or interior of a building, shall be considered signs.

STREET LINE

The boundary of the public right-of-way and private property, although the way may not have been constructed to its full width or although less than its full width is open or devoted to public travel.

TEMPORARY SIGN

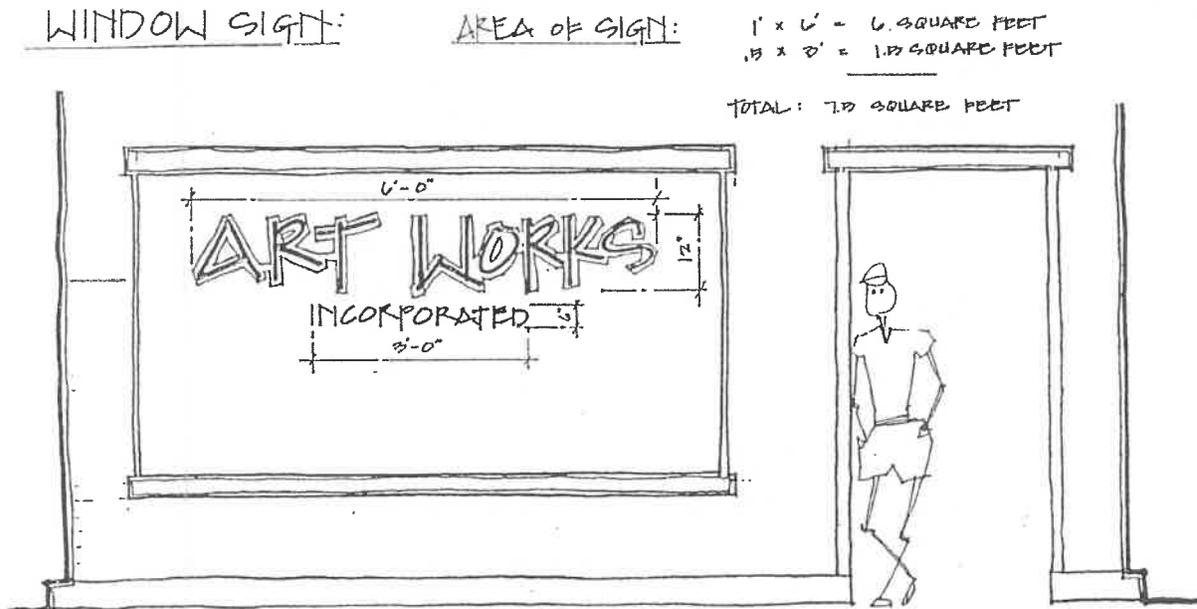
A sign constructed of cloth, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display and not permanently mounted, including a decoration display for holidays or public demonstrations, poster, other paper or cardboard sign, flag, banner, streamer, pennant, string of lights, or string of pennants.

WALL SIGN

A sign painted on or attached directly to a fence or to the surface of masonry, concrete, frame or other approved building wall and which extends not more than 15 inches from the face of the fence or wall.^[2]

WINDOW SIGN

A sign on exterior windowpanes or glass or placed inside an exterior window or mounted inside the window and intended to be visible from the exterior of the window.



[1] Editor's Note: See Ch. 23, Zoning.

[2] Editor's Note: See the illustration with the definition of "projecting sign," above.

Article 25-3. Exemptions.

[6-28-2005]

Articles 25-5 through 25-8 of this chapter shall not apply to the following signs:

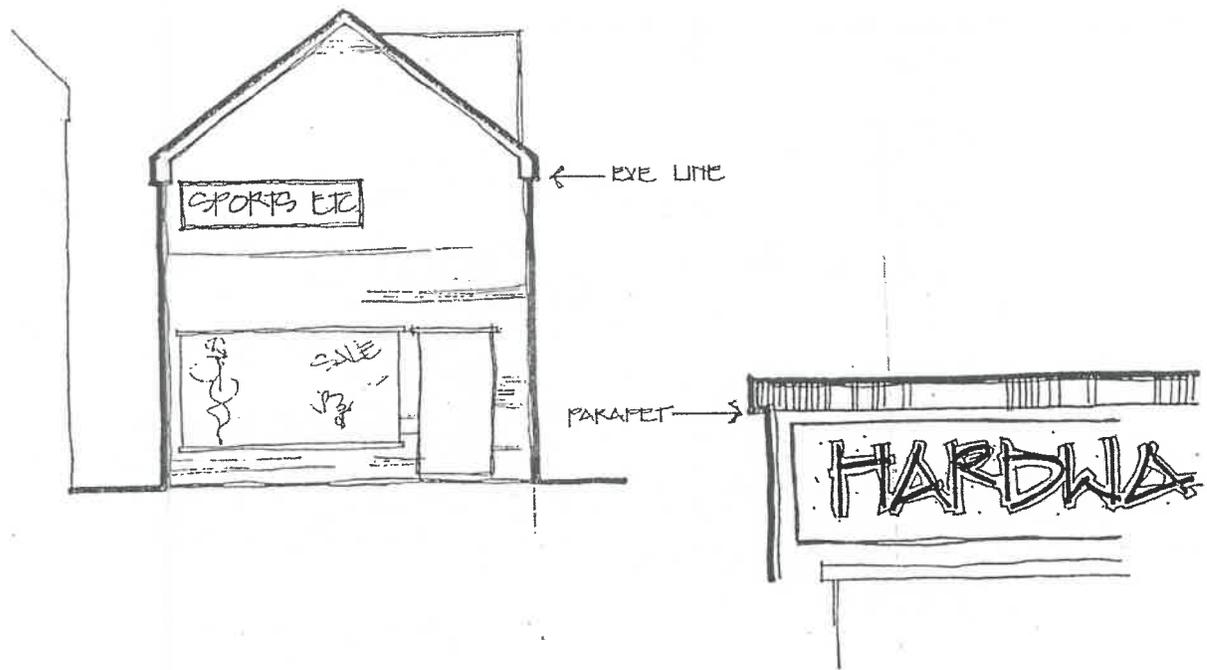
- 3.1 Noncommercial signs. Signs having no commercial message and which bear only house numbers, post box numbers, names of residents, or identification of premises and not exceeding two square feet in area per premises.
- 3.2 Flags. Governmental flags and governmental insignia, except when displayed with a commercial message or in connection with a commercial promotion.

- 3.3 Legal notices. Legal notices and identifications not exceeding two square feet in area, including "No Trespassing" and "No Hunting" signs.
- 3.4 Information and directional signs. Informational, directional, traffic or warning signs erected or required by governmental agencies or bodies, including signs directing traffic to hospitals, parking areas, highways, cultural institutions and commercial areas.
- 3.5 Incidental signs.
- 3.6 Memorial signs. Memorial signs, plaques, or tablets.
- 3.7 For sale signs. "For Sale" or "For Rent" signs, not exceeding (a) eight square feet in aggregate area per premises in a nonresidential district or (b) six square feet in aggregate area per premises in a residential district and which advertise for sale or for rent only the premises upon which the sign is located. Sections 4.8 and 4.10 of this chapter shall also not apply to such signs. Such signs shall be removed promptly when the advertised sale or rental is concluded.
- 3.8 Historical markers. Historical markers erected or placed by an accredited historical association or governmental agency.
- 3.9 Historical signs. Historic signs.
- 3.10 Vending machine signs. Permanent signs on vending machines, gas pumps, ice containers or similar devices indicating only the contents of such devices.
- 3.11 Works of art. Works of art that do not include a commercial message.
- 3.12 Holiday lights. Holiday lights and decorations which do not include a commercial message, and which are displayed for a limited period of time no longer than 75 continuous days and no longer than 120 days per year at any premises.
- 3.13 Signs exempted by law. Signs described in MGL c. 93, § 32.
- 3.14 Billboards. Billboards in compliance with (1) MGL c. 93, §§ 29 through 33, and (2) the Zoning Ordinance.^[1] Sections 4.1 and 4.4 of this chapter shall also not apply to such billboards.
[1] *Editor's Note: See Ch. 23, Zoning.*

Article 25-4. General regulations and prohibitions.

[6-28-2005]

- 4.1 Roof signs. No sign shall be placed on a building above the eveline or gable, hip, or gambrel; above the parapet or eve on a flat or deck roof; on any part of or above the mansard portion of a mansard or French style roof; or on any part of or above the roof portion of an A-frame structure.

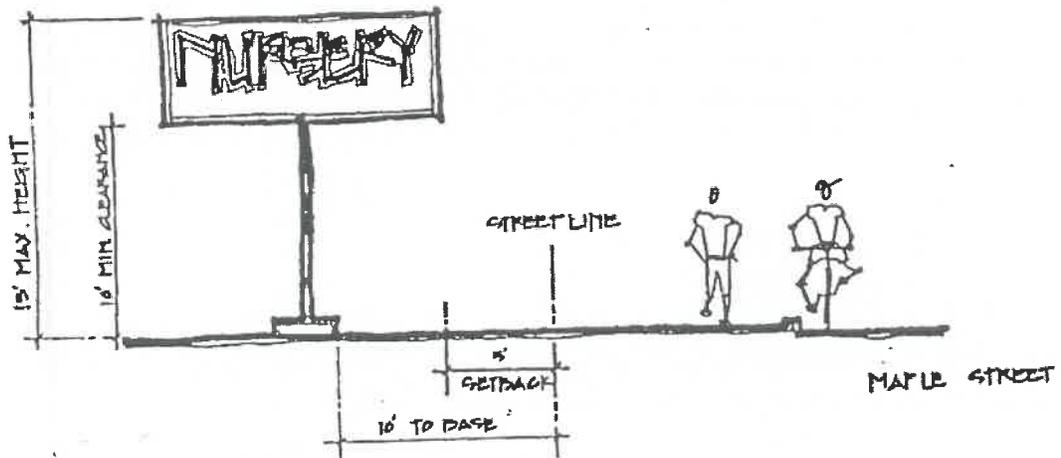
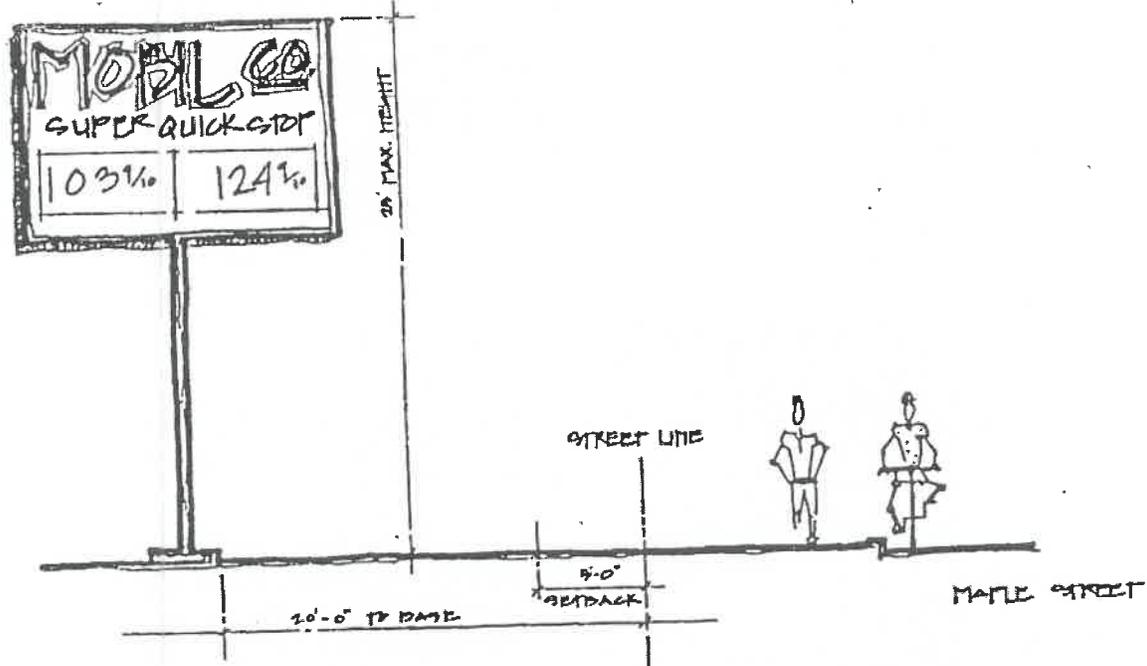


FRENCH STYLE ROOF



- 4.2 Illuminated signs. Any illuminated sign shall employ only lights emitting a constant intensity, and no sign shall be illuminated by a flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed to permit the beam or illumination to cause glare or reflection that may constitute a traffic hazard or nuisance. Illuminated signs in or adjacent to a residential district shall be either (a) turned off between 11:00 p.m. and 6:00 a.m. or (b) sufficiently screened so as to prevent a beam or illumination from shining into any adjoining residence.
- 4.3 Traffic signs. No sign, except as otherwise provided in this chapter, shall use the words "stop," "danger," or any other word, phrase, symbol, or character that might be misconstrued as a public safety warning or traffic sign.
- 4.4 Freestanding signs. The top of a freestanding sign shall not exceed in height the lesser of (a) 25 feet above grade or (b) five feet higher above grade than the distance from the base of the pole to the street line. A freestanding sign shall not be placed within five feet of the street line or lot line of

the premises (or, if the distance between a building on the premises and the lot line or street line shall be less than 10 feet, 1/2 of such distance), nor within the setback required by the Zoning Ordinance,^[1] if any. If a pole sign shall be within 10 feet of a street line, it shall have a minimum clearance of 10 feet between grade and the bottom of the sign.



[1] Editor's Note: See Ch. 23, Zoning.

- 4.5 Traffic sight lines. No sign shall be erected so as to constrict traffic sight lines for drivers or pedestrians. A freestanding sign shall not be placed within the triangle formed by connecting the point at the intersection of any street lines with the points on each street line 20 feet from such intersection.
- 4.6 Abandoned signs. Any sign which has been abandoned or which advertises a business no longer conducted at the premises shall be removed within 30 days of abandonment or cessation of such business.
- 4.7 Moving signs. Rotating signs, animated signs, rotating beacons, and otherwise moving signs shall be prohibited.

4.8 Temporary signs. Temporary signs (other than posters) shall not be posted for more than 75 continuous days. Posters shall not be displayed for more than 120 continuous days. If any premises shall have any temporary signs posted for more than 120 days in any calendar year, all such signs at such premises shall not be considered temporary signs for the purposes of this chapter. Temporary signs must be removed promptly when the event advertised is concluded.

4.9 (Reserved)^[2]

[2] *Editor's Note: Former Section 4.9, Posters, was repealed by Ord. No. 1243, § 1, 10-12-2021.*

4.10 Portable signs. Portable signs shall be prohibited, except (a) those painted or affixed to a duly registered motor vehicle, provided that such vehicle is not continuously parked in one location for a period in excess of two weeks and is used in the day-to-day operation of the business conducted at the premises at which such vehicle is parked, (b) temporary signs otherwise in compliance with this chapter, and (c) sandwich signs otherwise in compliance with this chapter and all regulations of the Department of Public Services.

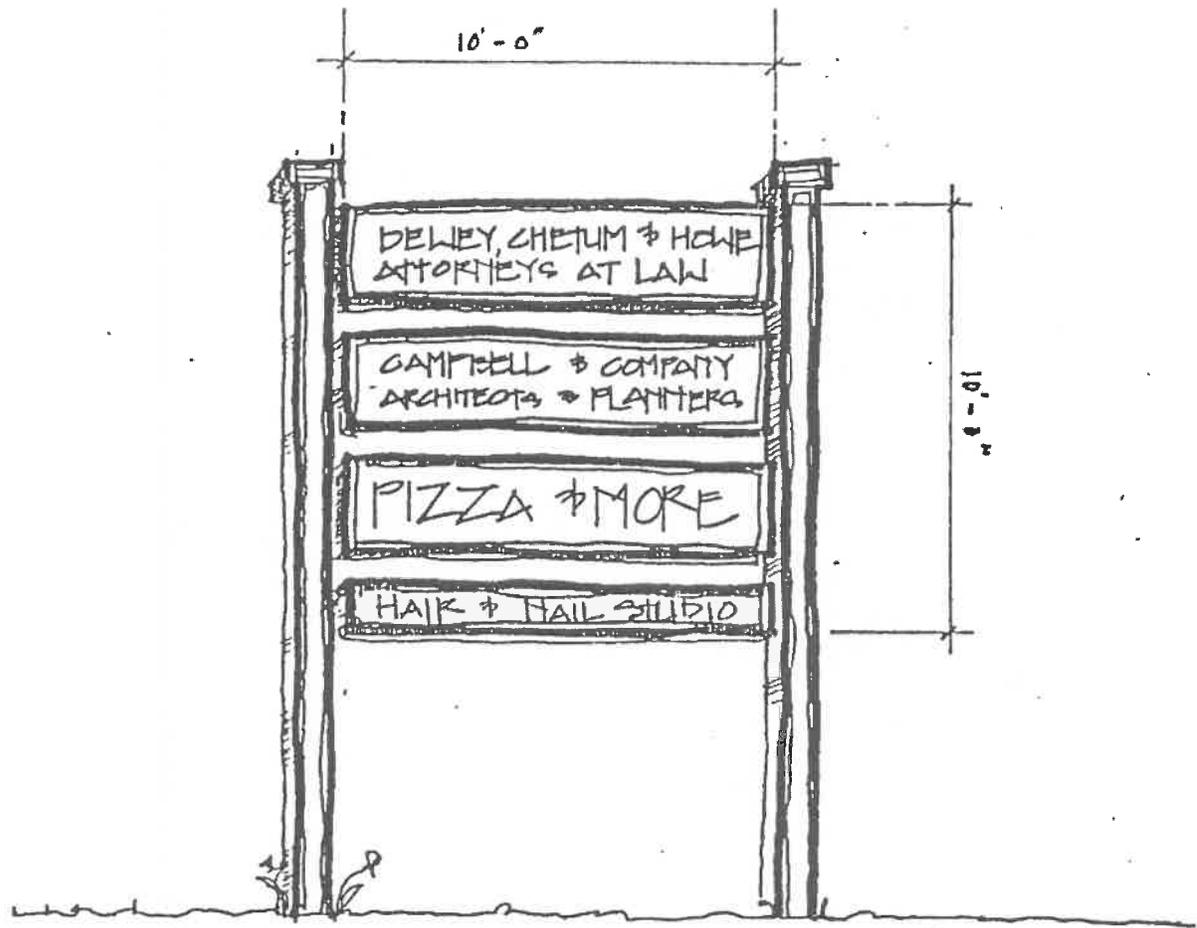
[Ord. No. 1160, § 1, 9-29-2015]

4.11 Number of signs. The total number of signs (excluding permitted temporary signs and excluding signs described in Article 25-3) shall not exceed five per business, and the total number of signs (including permitted temporary signs but excluding signs described in Article 25-3) shall not exceed eight per business. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed for form a unit.

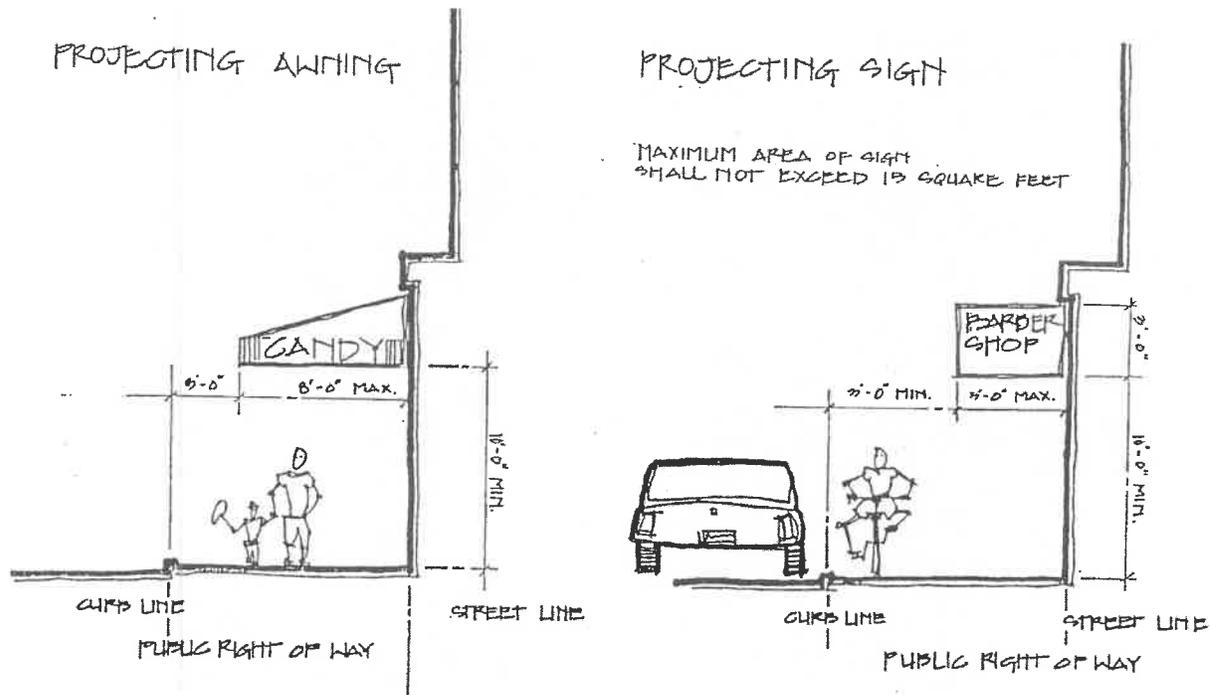
4.12 Sign posts. Sign posts and supports shall not contain lettering.

4.13 Pole signs. When calculating square feet of signs for purposes of maximum square footage allowed by this chapter, the actual square footage of pole signs shall be multiplied by 125%. Pole signs shall be limited to one per lot, regardless of the number of businesses. No pole sign shall be constructed within 50 feet of another pole sign.

4.14 Signs for multiple businesses. Freestanding signs containing signs for more than one business shall not exceed 100 square feet in the aggregate and shall only contain signs of consistent and uniform coloring, lighting, lettering and other characteristics.



4.15 Projecting signs. Projecting signs (except those on marquees, canopies and awnings) shall not extend more than five feet over the public right-of-way. Marquee signs and projecting signs on canopies and awnings shall not extend more than eight feet over the public right-of-way. Projecting signs shall not be closer than three feet to the curbline. No portion of any projecting sign (or such marquee, canopy or awning on which it is located) shall be lower than 10 feet above grade. All canopies and awnings shall comply with other applicable ordinances and regulations.



4.16 Marquees. The changeable copy of marquee signs shall contain only advertising for current or upcoming events. Each marquee shall be constructed to meet the following requirements:

- A. It shall be equipped with gutters and conductors for the purpose of draining water toward the building to which it is attached, and shall not discharge ice, water or snow onto the street or the walk;
- B. If such marquee shall be glazed, it shall be glazed with wire glass not less than 1/4 of an inch in thickness and be safely supported; and
- C. It shall safely support its own weight plus a superimposed load of 30 pounds per square foot, equally distributed, in addition to any concentrated load to which it may be subjected.

4.17 Window signs. Window signs shall not exceed in aggregate square feet 60% of the total square footage of the window or glass door on which they are located, except that temporary window signs, posted for no longer than 75 days (a) in connection with the opening of a business or (b) during the period from August 25 through November 8 of any election year, may cover the entire window area.

4.18 Structural condition. All signs shall be maintained in a good repair, in good structural condition and in compliance with all building and electrical codes. No sign shall be erected so as to obstruct any door, window or fire escape.

4.19 Trees, etc. No sign shall be permitted on trees, light poles, telephone poles, or street identification signs.

4.20 Accessory signs. Signs solely advertising brand names or products sold at the premises shall not be considered accessory signs, unless such brand name products constitute the majority of products sold at the premises.

Article 25-5. Regulations applicable to specific districts.

[6-28-2005]

5.1 Districts. For the purpose of this chapter, the districts as established on the City of Pittsfield Zoning Map, as amended from time to time, are hereby adopted by reference.

5.2 Signs permitted in all districts without a permit from the inspector of buildings. The following signs are allowed in all districts without a permit from the inspector of buildings, payment of a fee or posting of a bond.

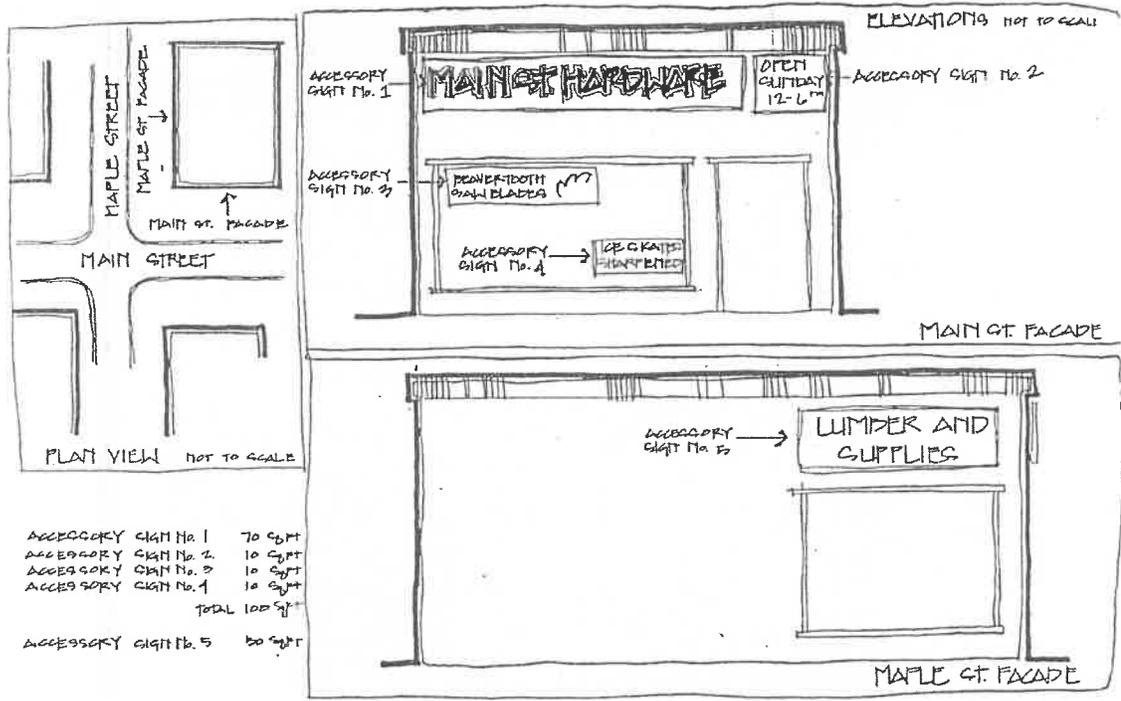
- A. Civic organizations. One accessory sign per premises not to exceed 24 square feet in area for any of the following organizations: religious institutions, school, museum, civic or service organization, community recreational facility, or library, such sign to indicate only the name, current displays, or current activities of such organization.
- B. Home occupations. One accessory sign per premises not to exceed two square feet advertising a permitted home occupation.
- C. Directory signs. Directory signs not to exceed 12 square feet in area.
- D. Entryway signs. Signs on an entryway to the City containing information regarding community or civic organizations, not to exceed either (a) one sign per entryway per organization not to exceed two square feet in area each or (b) one sign per entryway for all such organizations not to exceed 12 square feet in area; all such signs subject to applicable regulations of the Department of Public Services and the Highway Department.
- E. Directional signs. Directional signs for the purpose of giving directions to a religious institution, school, museum, community recreational facility, library, or licensed inn holder, not to exceed two square feet in area, and subject to applicable regulations of the Department of Public Services.
[Ord. No. 1160, § II, 9-29-2015]
- F. Construction site signs. Signs on active construction sites that denote the contractor, architect, engineer, or funding agency, not to exceed 24 square feet in area in the aggregate per site in nonresidential districts or 12 square feet in area in the aggregate per site in residential districts.
- G. Temporary signs. Temporary signs not to exceed 12 square feet in aggregate area per premises in a residential district and not to exceed 50 square feet in aggregate area per premises in a nonresidential district.
- H. Posters. Posters of religious, charitable, civic, fraternal, political, or similar organizations or of candidates for political office.

5.3 Signs permitted in residential districts with permits from the inspector of buildings and payment of a fee. The following signs allowed in residential districts require a permit from the inspector of buildings, and payment of a fee as set forth in Article 25-6:

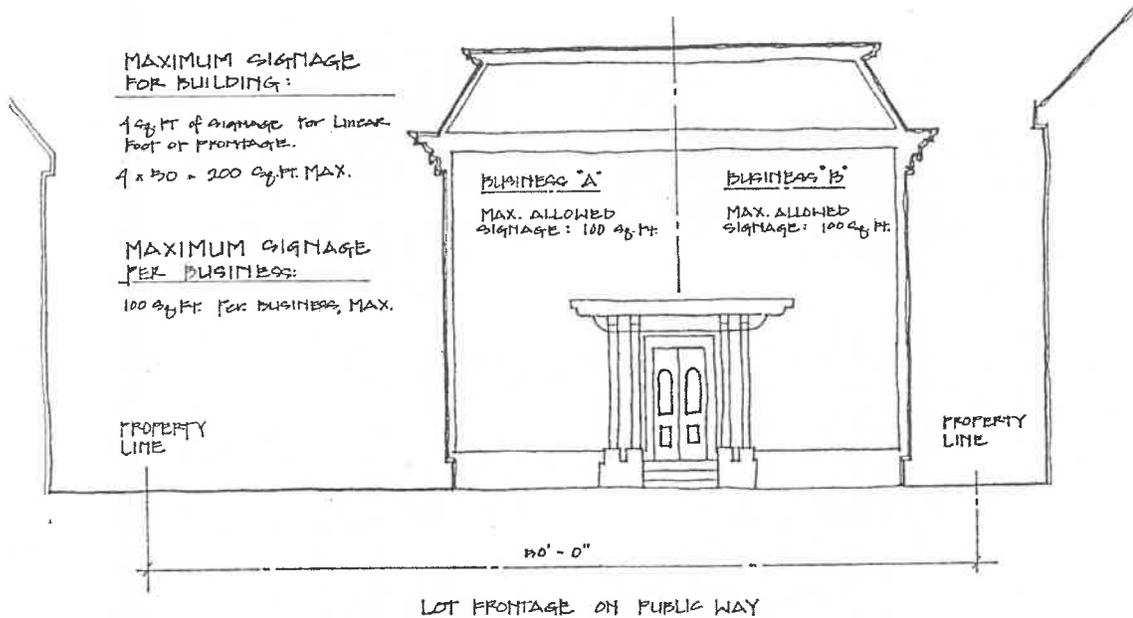
- A. Subdivision signs. One sign advertising any real estate development or subdivision, not to exceed 12 square feet in area.
- B. Nonresidential use in residential district. One unlighted accessory sign per premises advertising a permitted nonresidential use in a residential district (other than permitted home occupations), not to exceed 12 square feet in area.

5.4 Signs permitted in business, industrial and special districts with permits from the inspector of buildings and payment of a fee. Signs in business, industrial and special districts require a permit from the inspector of buildings and payment of a fee as set forth in Article 25-6, and are subject to the following restrictions:

- A. Sign limits. Each business in a business, industrial or special district shall be allowed one or more accessory signs which shall not exceed 100 square feet in the aggregate, provided that a business with frontage on two or more streets shall be allowed an additional accessory sign or signs directed toward such additional street or streets which shall not exceed 50 additional square feet in the aggregate.



- B. Frontage limits. The combined surface area of all signs on any premises shall not exceed four square feet in the aggregate per linear foot of frontage of the face of the building or of the lot on which such signs are located, whichever is greater.



- C. Business center signs. In addition to other signs allowed to individual businesses, a business center shall be allowed one common accessory sign for each approved curb cut or driveway, not to exceed 100 square feet in area and only for the purpose of identifying the business center and the individual businesses. Signs for any individual business not in excess of 10 square feet per business or 50 square feet in the aggregate shall be allowed on such sign, provided that such individual business signs included on such common business center sign shall be consistent with the business center sign with uniform colorings, lighting, lettering and other characteristics.
- D. Sandwich signs. Sandwich signs shall be allowed in business, industrial or special districts. Sandwich signs shall not exceed 12 square feet in area each and shall not exceed one square

foot in the aggregate per lineal foot of frontage of the face of the building or of the lot on which such signs are located, whichever is greater. Sandwich signs must be within 15 feet of the advertised premises and must relate in subject matter to accommodations, services or activities upon the advertised premises. Sandwich signs must comply with applicable regulations of the Department of Public Services.

[Ord. No. 1160, § III, 9-29-2015]

- E. Projection signs. Projecting signs shall be allowed in BID Districts only. Only one projecting sign shall be allowed per business, and shall be allowed only instead of, not in addition to, any permitted freestanding signs. Projecting signs shall not exceed 15 square feet in area, and shall not exceed one square foot of sign area per lineal foot of frontage of the face of the building or of the lot on which such sign is located, whichever is greater, except that marquee signs shall not exceed 50 square feet on each surface. No projecting signs shall be constructed within 30 feet of another projecting sign. Projecting signs shall require the posting of a bond as set forth in Section 6.3.
- F. "Open" flags. "Open" flags shall be allowed in business, industrial or special districts. One flag shall be allowed per premises, in good repair, no larger than six square feet in area, without a commercial message, displayed only while the business conducted at the premises is open, and indicating that the business conducted at the premises is open or other similar message.

Article 25-6. Permit process.

[6-28-2005]

- 6.1 Applications. For all signs permitted by Sections 5.3 and 5.4, the owner of the premises (or owner's agent) shall apply to the inspector of buildings for the issuance of a sign permit on such application form as shall be acceptable to the inspector of buildings. All applications shall indicate the size, location, lighting, building materials and specifications for each proposed sign. The inspector of buildings shall be responsible for the review of the application, issuance of the sign permit, and enforcement of the provisions of this chapter. The inspector of buildings shall act upon a completed sign application within 60 days of its receipt. Each permit issued under the provisions of this chapter shall continue in effect until the sign is removed or the sign permit is revoked, canceled or otherwise terminated. The granting of a sign permit shall not relieve the owner or operator from procuring any permit or license required by any other provision of law or of this Code or other ordinances of the City.
- 6.2 Fees. Signs permitted by Sections 5.3 and 5.4 require the payment of a fee for the issuance of a sign permit. Said fee shall be \$50 for any sign costing less than or equal to \$2,000 to construct and install and \$150 for any sign costing more than \$2,000 to construct and install, payable to the office of the inspector of buildings upon the issuance of the sign permit.
- 6.3 Bonds. Projecting signs require the posting of a bond with the inspector of buildings, satisfactory to the City Solicitor as to form, and in the penal sum hereinafter set forth, duly executed by the applicant and a surety company qualified to do business in the commonwealth, conditioned to indemnify the City against any and all claims (including the cost of a trial) for personal injuries, consequential damages, and death, or damage to property resulting from the placing, construction, or maintenance or removal of such sign, and further conditioned to pay all judgments obtained against the owner or operator of the premises upon or to which the sign is to be placed, or against any person subsequently becoming the owner or operator of such premises, or the owner of such sign, or liable for its proper maintenance, by reason of personal injuries or damage to property resulting from the placing, construction or maintenance or removal of such sign. The penal sum of such bonds shall be as follows:
 - A. For damage to property, \$100,000; and
 - B. For personal injuries, including consequential damages and death, \$1,000,000.

Such bond or one similar in effect and amount shall be maintained in force for each such sign as long as it is maintained or until permission is given by the inspector of buildings to release or discharge the same. The failure to maintain such bond in force shall automatically terminate the sign permit under which such sign was erected and maintained.

A liability insurance policy giving the same protection to the City may be substituted for such bond.

- 6.4 Violations. Violations of this chapter shall be penalized by the imposition of a fine pursuant to Chapter 4 1/2 of the City Code.
- 6.5 Enforcement. The inspector of buildings is authorized to order the repair or removal of any sign and its supporting structure which, in his judgment, is dangerous, in disrepair or which is maintained contrary to this chapter. The owner of the premises shall be responsible for reimbursing the City for all expenses of removing and disposing of any abandoned or dangerous sign or sign in disrepair or maintained contrary to this chapter.
- 6.6 Transfer of ownership. Upon the sale or transfer of ownership of any sign, or business or premises to which a sign relates, the new owner shall file with the inspector of buildings a written application for the transfer of the sign permit for such sign. Such application shall be accompanied by a certification that such sign complies with the provisions of this chapter. Such sign permit shall be transferred by the inspector of buildings, subject to the filing of any necessary bond by the applicant.
- 6.7 Appeals; exceptions. Any person aggrieved by a decision of the inspector of buildings regarding an application for a sign permit or enforcement of this chapter may appeal that decision to the Sign Appeals Board. Any person seeking a sign not in conformity with this chapter may request an exception from the Sign Appeals Board. The Sign Appeals Board shall establish applications for appeals and exceptions, which shall be accompanied by a fee in the amount of \$50 (which fee may be waived by the Sign Appeals Board for exceptions to the entities). Appeals and applications for exceptions to the Sign Appeals Board shall be heard at public hearings, and all appellants or applicants shall notify, in writing, abutters of the location of the sign at issue at least 14 days in advance of any hearing in a manner acceptable to the Sign Appeals Board. Appellants or applicants shall also publish notice of the hearing in a manner acceptable to the Sign Appeals Board.

The Sign Appeals Board may, within its discretion, grant exceptions in cases that involve practical difficulties or unnecessary hardships when the Sign Appeals Board finds:

- A. That the alleged hardships and/or practical difficulties are peculiar to the premises, the business or the person requesting the exception and result from conditions which do not exist generally throughout the City; and
- B. That allowing the exception will result in a balance of the competing interests, considering the public benefits intended to be secured by this chapter, the individual hardships that will be suffered by the failure of the Board to grant an exception, the compatibility of the proposed exception with its surroundings, and the rights of others whose property would be affected by the allowance of the exception.

In making such findings, the Sign Appeals Board shall consider the following:

- A. The hardships or difficulties demonstrated by the aggrieved person must be greater the larger the request proposed sign.
- B. Exceptions for temporary signs in connection with conventions, celebrations, parades or other special events shall be granted without a showing of substantial hardship.
- C. Economic hardships may be sufficient grounds for an exception.
- D. Design issues specific to the applicant or the premises may be considered as grounds for an exception.
- E. How recently a nonconforming sign has been erected and its remaining useful life may be considered as grounds for an exception.

The Zoning Board of Appeals may under no circumstances grant an exception allowing total signage in excess of 50% more than allowed under Section 5.4.

Article 25-7. Sign Appeals Board.

[6-28-2005]

The Zoning Board of Appeals will act as the Sign Appeals Board.

Article 25-8. Nonconforming signs.

[6-28-2005]

A sign erected prior to the effective date of this chapter which was permitted by previous regulations contained in the Zoning Ordinance^[1] or other ordinances of the City but which is not in conformity with the provisions of this chapter shall be considered a nonconforming sign, except that any sign erected prior to the effective date of this chapter and which is in compliance with all sections of this chapter except Section 4.4 may be maintained and shall not be considered a nonconforming sign.

Nonconforming signs may be maintained, except as hereafter provided:

- A. A nonconforming sign shall not be changed to another sign not in conformity with this chapter.
- B. A face replacement that involves any alteration to the face itself constitutes a substantial change.
- C. A nonconforming sign shall be brought into compliance with this chapter if the owner of a premises upon which a nonconforming sign is located shall change the use of the premises, or shall change the location of the sign, the building, or the property line in a manner that renders the sign to be nonconforming.
- D. A nonconforming sign shall not be maintained or reestablished after the activity, business, or usage to which it relates has been discontinued for 30 days or longer.
- E. By January 1, 2009, all nonconforming signs shall be brought into compliance with this chapter or shall, upon application, be granted an exception by the Zoning Board of Appeals under the standards set forth in Section 6.7.

[1] *Editor's Note: See Ch. 23, Zoning.*

EXHIBIT I



**CITY OF PITTSFIELD
NOTICE OF VIOLATION
OF CITY ORDINANCE**

03158

DATE OF THIS NOTICE: 4/29/2024
 NAME OF OFFENDER: S&S Realty Inc. / Timothy Van Epps
 ADDRESS OF OFFENDER: 400 CHAPMAN ST
 CITY, STATE, ZIP CODE: GREENFIELD, MA 01301
 DATE OF BIRTH OF OFFENDER: N/A
 MV OPERATOR LICENSE NUMBER: N/A
 MV/MB REGISTRATION NUMBER: N/A
 OFFENSE: N/A

Pittsfield Sign Ordinance
 25-4.4. Signs placed on
 the public way.

TIME AND DATE OF VIOLATION: 9:45 A.M. APR 11, 2024
 LOCATION OF VIOLATION AT: S CENTER STREET, PITTSFIELD, MA 01201
 SIGNATURE OF ENFORCING PERSON: [Signature]
 ENFORCING DEPARTMENT: Building

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

UNABLE TO OBTAIN SIGNATURE OF OFFENDER
 DATE MAILED: 4/29/24

THE NONCRIMINAL FINE FOR THIS OFFENSE IS: \$ 50.00

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as final disposition, with no resulting criminal record.

- You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:

City Clerk
 City of Pittsfield
 City Hall
 Pittsfield, MA 01201

- If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:

Clerk-Magistrate
 Berkshire District Court
 Wendell Avenue
 Pittsfield, MA 01201
 Attn.: 21D Noncriminal Hearings

- If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of: \$ _____

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

SIGNATURE _____

OFFENDER'S COPY



**CITY OF PITTSFIELD
NOTICE OF VIOLATION
OF CITY ORDINANCE**

NUMBER

03158

DATE OF THIS NOTICE: _____
 NAME OF OFFENDER: _____
 ADDRESS OF OFFENDER: _____
 CITY, STATE, ZIP CODE: _____ DATE OF BIRTH OF OFFENDER: _____
 MV OPERATOR LICENSE NUMBER: _____ MV/MB REGISTRATION NUMBER: _____
 OFFENSE: _____

TIME AND DATE OF VIOLATION: _____
 LOCATION OF VIOLATION AT: _____
 SIGNATURE OF ENFORCING PERSON: _____ ENFORCING DEPARTMENT: _____

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

UNABLE TO OBTAIN SIGNATURE OF OFFENDER
 DATE MAILED: _____

THE NONCRIMINAL FINE FOR THIS OFFENSE IS: \$ 50.00

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as final disposition, with no resulting criminal record.

- You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:

City Clerk
 City of Pittsfield
 City Hall
 Pittsfield, MA 01201

- If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:

Clerk-Magistrate
 Berkshire District Court
 Wendell Avenue
 Pittsfield, MA 01201
 Attn.: 21D Noncriminal Hearings

- If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of: \$ _____

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

SIGNATURE _____

CITY CLERK'S COPY



**CITY OF PITTSFIELD
OFFICE OF THE BUILDING COMMISSIONER**

April 29, 2024

Sandri Realty Inc.
Timothy Van Epps
400 Chapman Street
Greenfield, MA, 01301

Dear Timothy Van Epps:

NOTICE OF VIOLATION / 51 CENTER STREET / PARCEL H080021001

On April 11, 2024, acting under the authority of the City of Pittsfield Ordinance Article 23-12, § 12.1, in response to a complaint, I inspected the property at 51 Center Street for free standing signs being located within the public way.

The property is a (.723) acre located in a Downtown Creative District (DCD) zoning district, having (244) feet of frontage on Center Street, (134) feet of frontage on Church Street, and (126) feet of frontage on South Church Street. There is one building on the property, which has a principal use as a service center, automobile mechanic shop, and gas station. There is also a canopy structure over the gasoline pumps.

According to the records of the City assessor's office, Sandri Realty INC is the owner of that property. Timothy Van Epps is the Registered Agent of the Corporation.

At the time of the inspection, I observed there were "feather style" free standing signs located within the public way placed in the grass along the sidewalk located on Center Street.

Placing free standing signs within the public way is a violation of the City of Pittsfield Sign Ordinance 25-4 § 4.4.

YOU ARE HEREBY ORDERED TO REMEDY, CORRECT AND ABATE THE VIOLATION. Within 24 hours of receipt of this letter, you must remove the referenced signs to comply with the ordinance.

A fine of \$50.00 has been issued with this violation. Please find ticket #03158 enclosed.

Please be advised that Article 23-12 § 12.6 states "Whoever shall violate any provision of this ordinance or fails to comply with any of its requirements shall, upon conviction, be fined not more than three hundred (\$300.00) dollars for each offense. Each day such violation continues, shall be considered a separate offense."

If you are aggrieved by this order, you may appeal pursuant to the City of Pittsfield Zoning Ordinance Article 23-11.

Mark Rogers
Local Building Inspector

EXHIBIT J



CITY OF PITTSFIELD
NOTICE OF VIOLATION
OF CITY ORDINANCE

03159

DATE OF THIS NOTICE: 5/6/24
NAME OF OFFENDER: Santa Realty Inc. / Timothy Van Epps
ADDRESS OF OFFENDER: 400 CHAPMAN Street
CITY, STATE, ZIP CODE: Greenfield, MA 01301
DATE OF BIRTH OF OFFENDER: N/A
MV OPERATOR LICENSE NUMBER: N/A
MV/MB REGISTRATION NUMBER: N/A
OFFENSE: Pittsfield Sign Ordinance
25-4.4. Signs placed on the public way.

TIME AND DATE OF VIOLATION: 10:00 A.M. ON 5/6/24
LOCATION OF VIOLATION AT: 51 Center Street, Pittsfield, MA 01201
SIGNATURE OF ENFORCING PERSON: [Signature]
ENFORCING DEPARTMENT: Building

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION
 X
 UNABLE TO OBTAIN SIGNATURE OF OFFENDER
DATE MAILED: 5/6/24

THE NONCRIMINAL FINE FOR THIS OFFENSE IS: \$ 100.00

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as final disposition, with no resulting criminal record.

- 1. You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:
City Clerk
City of Pittsfield
City Hall
Pittsfield, MA 01201
- 2. If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:
Clerk-Magistrate
Berkshire District Court
Wendell Avenue
Pittsfield, MA 01201
Attn.: 21D Noncriminal Hearings
- 3. If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of: \$ _____

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

SIGNATURE _____

OFFENDER'S COPY



CITY OF PITTSFIELD
NOTICE OF VIOLATION
OF CITY ORDINANCE

NUMBER

03159

DATE OF THIS NOTICE: _____
NAME OF OFFENDER: _____
ADDRESS OF OFFENDER: _____
CITY, STATE, ZIP CODE: _____ DATE OF BIRTH OF OFFENDER: _____
MV OPERATOR LICENSE NUMBER: _____ MV/MB REGISTRATION NUMBER: _____
OFFENSE: Pittsfield Sign Ordinance
25-4.4. Signs placed on the public way.

TIME AND DATE OF VIOLATION: _____
LOCATION OF VIOLATION AT: _____
SIGNATURE OF ENFORCING PERSON: _____
ENFORCING DEPARTMENT: _____

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION
 X
 UNABLE TO OBTAIN SIGNATURE OF OFFENDER
DATE MAILED: 5/6/24

THE NONCRIMINAL FINE FOR THIS OFFENSE IS: \$ 100.00

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as final disposition, with no resulting criminal record.

- 1. You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:
City Clerk
City of Pittsfield
City Hall
Pittsfield, MA 01201
- 2. If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:
Clerk-Magistrate
Berkshire District Court
Wendell Avenue
Pittsfield, MA 01201
Attn.: 21D Noncriminal Hearings
- 3. If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of: \$ _____

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

SIGNATURE _____

CITY CLERK'S COPY



**CITY OF PITTSFIELD
OFFICE OF THE BUILDING COMMISSIONER**

May 6, 2024

Sandri Realty Inc.
Timothy Van Epps
400 Chapman Street
Greenfield, MA, 01301

Dear Timothy Van Epps:

NOTICE OF VIOLATION / 51 Center Street / PARCEL H080021001

On May 6, 2024, acting under the authority of the City of Pittsfield Ordinance Article 23-12, § 12.1, in response to a complaint, I reinspected the property at 51 Center Street for free standing signs being located within the public way.

The property is a (.723) acre located in a Downtown Creative District (DCD) zoning district, having (244) feet of frontage on Center Street, (134) feet of frontage on Church Street, and (126) feet of frontage on South Church Street. There is one building on the property, which has a principal use as a service center, automobile mechanic shop, and gas station. There is also a canopy structure over the gasoline pumps.

According to the records of the City assessor's office, Sandri Realty INC is the owner of that property. Timothy Van Epps is the Registered Agent of the Corporation according to the Secretary of the Commonwealth of Massachusetts Corporations Division Database.

At the time of the inspection, I observed there were "feather style" free standing signs located within the public way placed in the grass along the sidewalk located on Center Street.

Placing free standing signs within the public way is a violation of the City of Pittsfield Sign Ordinance 25-4 § 4.4.

YOU ARE HEREBY ORDERED TO REMEDY, CORRECT AND ABATE THE VIOLATION. Within 24 hours of receipt of this letter, you must remove the referenced signs to comply with the ordinance. This is your second offense.

A second fine of \$100.00 has been issued for this violation. Please find ticket #03159 enclosed.

Please be advised that Article 23-12 § 12.6 states "Whoever shall violate any provision of this ordinance or fails to comply with any of its requirements shall, upon conviction, be fined not more than three hundred (\$300.00) dollars for each offense. Each day such violation continues, shall be considered a separate offense."

If you are aggrieved by this order, you may appeal pursuant to the City of Pittsfield Zoning Ordinance Article 23-11.

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

Mark Rogers

Local Building Inspector

EXHIBIT K



**CITY OF PITTSFIELD
NOTICE OF VIOLATION
OF CITY ORDINANCE**

03161

DATE OF THIS NOTICE: 5/17/21
 NAME OF OFFENDER: Sande Realty Inc / Timothy Van Epps
 ADDRESS OF OFFENDER: 400 CHAPMAN ST
 CITY, STATE, ZIP CODE: Greenfield, MA 01301
 DATE OF BIRTH OF OFFENDER: N/A
 MV OPERATOR LICENSE NUMBER: N/A
 MV/MR REGISTRATION NUMBER: N/A
 OFFENSE: Pittsfield Sign Ordinance 25-44: Signs placed in the public way.

TIME AND DATE OF VIOLATION: 5/17/21 12:00 P.M.
 LOCATION OF VIOLATION AT: 51 Center St. Pittsfield MA 01201
 SIGNATURE OF ENFORCING PERSON: [Signature] ENFORCING DEPARTMENT: Building
 I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

UNABLE TO OBTAIN SIGNATURE OF OFFENDER
 DATE MAILED: 5/17/21

THE NONCRIMINAL FINE FOR THIS OFFENSE IS: \$ 3300.00

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as final disposition, with no resulting criminal record.

1. You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:

City Clerk
 City of Pittsfield
 City Hall
 Pittsfield, MA 01201

2. If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:

Clerk-Magistrate
 Berkshire District Court
 Wendell Avenue
 Pittsfield, MA 01201
 Attn.: 21D Noncriminal Hearings

3. If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of: \$ _____

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

SIGNATURE _____

OFFENDER'S COPY



**CITY OF PITTSFIELD
NOTICE OF VIOLATION
OF CITY ORDINANCE**

NUMBER

03161

DATE OF THIS NOTICE: 5/17/21
 NAME OF OFFENDER: Sande Realty Inc / Timothy Van Epps
 ADDRESS OF OFFENDER: 400 CHAPMAN ST
 CITY, STATE, ZIP CODE: Greenfield, MA 01301
 DATE OF BIRTH OF OFFENDER: N/A
 MV OPERATOR LICENSE NUMBER: N/A
 MV/MR REGISTRATION NUMBER: N/A
 OFFENSE: Pittsfield Sign Ordinance 25-44: Signs placed in the public way.

TIME AND DATE OF VIOLATION: 5/17/21 12:00 P.M.
 LOCATION OF VIOLATION AT: 51 Center St. Pittsfield MA 01201
 SIGNATURE OF ENFORCING PERSON: [Signature] ENFORCING DEPARTMENT: Building
 I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

UNABLE TO OBTAIN SIGNATURE OF OFFENDER
 DATE MAILED: 5/17/21

THE NONCRIMINAL FINE FOR THIS OFFENSE IS: \$ 3300.00

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as final disposition, with no resulting criminal record.

1. You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:

City Clerk
 City of Pittsfield
 City Hall
 Pittsfield, MA 01201

2. If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:

Clerk-Magistrate
 Berkshire District Court
 Wendell Avenue
 Pittsfield, MA 01201
 Attn.: 21D Noncriminal Hearings

3. If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of: \$ _____

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

SIGNATURE _____

CITY CLERK'S COPY



**CITY OF PITTSFIELD
OFFICE OF THE BUILDING COMMISSIONER**

May 17, 2024

Sandri Reality Inc.
Timothy Van Epps
400 Chapman Street
Greenfield, MA, 01301

Dear Timothy Van Epps:

NOTICE OF VIOLATION / 51 Center Street / PARCEL H080021001

On May 17, 2024, acting under the authority of the City of Pittsfield Ordinance Article 23-12, § 12.1, in response to a complaint, I reinspected the property at 51 Center Street for free standing signs being located within the public way.

The property is a (.723) acre located in a Downtown Creative District (DCD) zoning district, having (244) feet of frontage on Center Street, (134) feet of frontage on Church Street, and (126) feet of frontage on South Church Street. There is one building on the property, which has a principal use as a service center, automobile mechanic shop, and gas station. There is also a canopy structure over the gasoline pumps.

According to the records of the City assessor's office, Sandri Reality INC is the owner of that property. Timothy Van Epps is the Registered Agent of the Corporation according to the Secretary of the Commonwealth of Massachusetts Corporations Division Database.

At the time of the inspection, I observed there were "feather style" free standing signs located within the public way placed in the grass along the sidewalk located on Center Street.

Placing free standing signs within the public way is a violation of the City of Pittsfield Sign Ordinance 25-4 § 4.4.

YOU ARE HEREBY ORDERED TO REMEDY, CORRECT AND ABATE THE VIOLATION. Within 24 hours of receipt of this letter, you must remove the referenced signs to comply with the ordinance. This is your second offense.

A third fine of \$3300.00 has been issued for this violation. Please find ticket #03161 enclosed.

Please be advised that Article 23-12 § 12.6 states "Whoever shall violate any provision of this ordinance or fails to comply with any of its requirements shall, upon conviction, be fined not more than three hundred (\$300.00) dollars for each offense. Each day such violation continues, shall be considered a separate offense."

If you are aggrieved by this order, you may appeal pursuant to the City of Pittsfield Zoning Ordinance Article 23-11.

Mark Rogers – Local Building Inspector

Certified Mail # 7020 1290 0000 6286 3255

EXHIBIT L

CITY OF PITTSFIELD
NOTICE OF VIOLATION
OF CITY ORDINANCE

03163



DATE OF THIS NOTICE

06/03/24

NAME OF OFFENDER

Smart Right Inc. / Timothy Van Erps

ADDRESS OF OFFENDER

400 Chapman St.

CITY, STATE, ZIP-CODE

Pittsfield MA 01201

OPERATOR LICENSE NUMBER

N/A

DATE OF BIRTH OF OFFENDER

N/A

OFFENSE

Pittsfield Sign Ordinance

85-44 Signs placed in the

Public way.

TIME AND DATE OF VIOLATION

8:30 A.M. 06/03/2024

LOCATION OF VIOLATION AT

51 Center St. Pittsfield, MA 01201

SIGNATURE OF ENFORCING PERSON

[Signature] Building

ENFORCING DEPARTMENT

BUILDING

THEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

X

UNABLE TO OBTAIN SIGNATURE OF OFFENDER

DATE MAILED

06/03/24

THE NONCRIMINAL FINE FOR THIS OFFENSE IS: \$ 500.00

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as final disposition, with no resulting criminal record.

- 1. You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

City Clerk
City of Pittsfield
City Hall
Pittsfield, MA 01201

- 2. If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing and enclosing a copy of this citation, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Clerk-Magistrate
Berkshire District Court
Wendell Avenue
Pittsfield, MA 01201
Attn.: 21D Noncriminal Hearings

- 3. If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of: \$

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

SIGNATURE

OFFENDER'S COPY

EXHIBIT M

NOTICE OF VIOLATION OF CITY ORDINANCE

03166

DATE OF THIS NOTICE: 06/13/2024
NAME OF OFFENDER: Smith, Reality Inc. / Timothy Van Epps
ADDRESS OF OFFENDER: 400 CHAMBERLAIN ST.
CITY, STATE, ZIP CODE: GREENFIELD MA 01301
DATE OF BIRTH OF OFFENDER: N/A
OFFENSE: Pittsfield Sign Ordinance 25.44 - Signs placed in the public way

TIME AND DATE OF VIOLATION: 7:45 A.M. 06/10 P.M. ON: 06/10/2024
LOCATION OF VIOLATION AT: 51 Center St. Pittsfield, MA 01201
SIGNATURE OF ENFORCING PERSON: [Signature] ENFORCING DEPARTMENT: Building

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION
X
UNABLE TO OBTAIN SIGNATURE OF OFFENDER
DATE MAILED: 06/13/24

THE NONCRIMINAL FINE FOR THIS OFFENSE IS: \$ 2,000.00

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as final disposition, with no resulting criminal record.

- 1. You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

City Clerk
City of Pittsfield
City Hall
Pittsfield, MA 01201

- 2. If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Clerk-Magistrate
Berkshire District Court
Wendell Avenue
Pittsfield, MA 01201
Attn.: 21D Noncriminal Hearings

- 3. If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of: \$

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

SIGNATURE

OFFENDER'S COPY

NOTICE OF VIOLATION OF CITY ORDINANCE

03166

DATE OF THIS NOTICE
NAME OF OFFENDER
ADDRESS OF OFFENDER
CITY, STATE, ZIP CODE
DATE OF BIRTH OF OFFENDER
MV OPERATOR LICENSE NUMBER
MV/MB REGISTRATION NUMBER
OFFENSE

TIME AND DATE OF VIOLATION
LOCATION OF VIOLATION AT
SIGNATURE OF ENFORCING PERSON
ENFORCING DEPARTMENT

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION
X
UNABLE TO OBTAIN SIGNATURE OF OFFENDER
DATE MAILED

THE NONCRIMINAL FINE FOR THIS OFFENSE IS: \$

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as final disposition, with no resulting criminal record.

- 1. You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

City Clerk
City of Pittsfield
City Hall
Pittsfield, MA 01201

- 2. If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Clerk-Magistrate
Berkshire District Court
Wendell Avenue
Pittsfield, MA 01201
Attn.: 21D Noncriminal Hearings

- 3. If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of: \$

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

SIGNATURE

CITY CLERK'S COPY



**CITY OF PITTSFIELD
OFFICE OF THE BUILDING COMMISSIONER**

June 13, 2024

Sandri Realty Inc.
Timothy Van Epps
400 Chapman Street
Greenfield, MA, 01301

Dear Timothy Van Epps:

NOTICE OF VIOLATION / 51 Center Street / PARCEL H080021001

On June 10, 2024, acting under the authority of the City of Pittsfield Ordinance Article 23-12, § 12.1, in response to a complaint, I reinspected the property at 51 Center Street for free standing signs being located within the public way.

The property is a (.723) acre located in a Downtown Creative District (DCD) zoning district, having (244) feet of frontage on Center Street, (134) feet of frontage on Church Street, and (126) feet of frontage on South Church Street. There is one building on the property, which has a principal use as a service center, automobile mechanic shop, and gas station. There is also a canopy structure over the gasoline pumps.

According to the records of the City assessor's office, Sandri Realty INC is the owner of that property. Timothy Van Epps is the Registered Agent of the Corporation according to the Secretary of the Commonwealth of Massachusetts Corporations Division Database.

At the time of the inspection, I observed there were "feather style" free standing signs located within the public way placed in the grass along the sidewalk located on Center Street.

Placing free standing signs within the public way is a violation of the City of Pittsfield Sign Ordinance 25-4 § 4.4.

YOU ARE HEREBY ORDERED TO REMEDY, CORRECT AND ABATE THE VIOLATION. Within 24 hours of receipt of this letter, you must remove the referenced signs to comply with the ordinance. This is your second offense.

A fifth fine of \$2100.00 has been issued for this violation. Please find ticket #03166 enclosed.

Please be advised that Article 23-12 § 12.6 states "Whoever shall violate any provision of this ordinance or fails to comply with any of its requirements shall, upon conviction, be fined not more than three hundred (\$300.00) dollars for each offense. Each day such violation continues, shall be considered a separate offense."

If you are aggrieved by this order, you may appeal pursuant to the City of Pittsfield Zoning Ordinance Article 23-11.

Certified Mail # 9589 0710 5270 1974 4156 68

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

Mark Rogers – Local Building Inspector

EXHIBIT N

ARTICLE 23-8
NON-CONFORMITIES

SECTION 8.1 INTENT

The intent of the "Article" is to permit any use of a structure, or portion thereof, or of land, lawfully existing prior to the effective date of this ordinance but not in conformance with its provisions, to continue until they are removed but not to encourage their survival. It is further the intent of the "Article" that these non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures, or uses prohibited elsewhere in the same district except as hereinafter provided. Non-conforming uses are affirmed by this ordinance to be incompatible with permitted uses in the district involved.

SECTION 8.2 EXCEPTIONS

- A. A structure or use lawfully begun under a building permit or a special permit issued before the first publication of notice of the required hearing by the Community Development Board on the applicable zoning amendment. **[Amended 6-28-2022 by Ord. No. 1250]**
- B. The alteration, reconstruction, extension or structural change to a one-family or two-family dwelling in any district provided this does not increase the non-conforming nature of such structures.
- C. Non-conforming lots of record and lots shown on a plan endorsed by the Community Development Board under the Subdivision Control Law are exempt from the provisions of this ordinance to the extent as provided in Section 6, Chapter 40A of the General Laws. **[Amended 6-28-2022 by Ord. No. 1250]**
- D. None of the restrictions set forth in this "Article" shall apply to a building or other structure which is non-conforming only with respect to lot area, width yards, or provisions for off-street parking, or off-street loading areas, except that no building or other structure shall be altered, enlarged, reconstructed to extend further into such a deficient front, rear or side yard or to increase its height except in compliance with the District Regulations.

**SECTION 8.3 REQUIREMENTS FOR EXPANSION, RECONSTRUCTION OR CHANGE
IN USE.**

The Zoning Board of Appeals may issue a special permit for any alteration or reconstruction, extension or change of a non-conforming use or structure to provide for a use of different purpose provided that no such extension, alteration, reconstruction or change in use shall be permitted unless the following findings are made:

- A. That such change, extension or alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood.
- B. That such extended, altered, reconstructed or changed use shall not be in greater non-conformity with open space, yard, height and off-street parking requirements of this ordinance.

EXHIBIT O



CITY OF PITTSFIELD
NOTICE OF VIOLATION
OF CITY ORDINANCE

03168

DATE OF THIS NOTICE
06/26/24
NAME OF OFFENDER
Sandr Realty Inc. / Timothy Van Eggs

ADDRESS OF OFFENDER
400 CHAPMAN ST.
CITY, STATE, ZIP CODE
GREENFIELD, MA 01301
DATE OF BIRTH OF OFFENDER
N/A
MV OPERATOR LICENSE NUMBER
N/A
MV/MB REGISTRATION NUMBER
N/A

OFFENSE
Pittsfield Zoning Ordinance
23-8.3. Expansion of a
non conforming use. Snow equipment
sales

TIME AND DATE OF VIOLATION
8:00 A.M. P.M. ON: June 21, 2024
LOCATION OF VIOLATION AT
51 Center St. Pittsfield, MA 01201

SIGNATURE OF ENFORCING PERSON
ENFORCING DEPARTMENT
Building

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION
X

UNABLE TO OBTAIN SIGNATURE OF OFFENDER
DATE MAILED
6/26/24

THE NONCRIMINAL FINE FOR THIS OFFENSE IS: \$ 50.00

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as final disposition, with no resulting criminal record.

1. You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

City Clerk
City of Pittsfield
City Hall
Pittsfield, MA 01201

2. If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Clerk-Magistrate
Berkshire District Court
Wendell Avenue
Pittsfield, MA 01201
Attn.: 21D Noncriminal Hearings

3. If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of: \$ _____

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

SIGNATURE _____

OFFENDER'S COPY



CITY OF PITTSFIELD
NOTICE OF VIOLATION
OF CITY ORDINANCE

NUMBER
03168

DATE OF THIS NOTICE
NAME OF OFFENDER
ADDRESS OF OFFENDER

CITY, STATE, ZIP CODE
DATE OF BIRTH OF OFFENDER
MV OPERATOR LICENSE NUMBER
MV/MB REGISTRATION NUMBER

OFFENSE

TIME AND DATE OF VIOLATION
LOCATION OF VIOLATION AT
A.M. P.M. ON: 199

SIGNATURE OF ENFORCING PERSON
ENFORCING DEPARTMENT

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION
X

UNABLE TO OBTAIN SIGNATURE OF OFFENDER
DATE MAILED

THE NONCRIMINAL FINE FOR THIS OFFENSE IS: \$

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as final disposition, with no resulting criminal record.

1. You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

City Clerk
City of Pittsfield
City Hall
Pittsfield, MA 01201

2. If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Clerk-Magistrate
Berkshire District Court
Wendell Avenue
Pittsfield, MA 01201
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3. If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of: \$ _____

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

SIGNATURE _____

CITY CLERK'S COPY



**CITY OF PITTSFIELD
OFFICE OF THE BUILDING COMMISSIONER**

June 26, 2024

Sandri Realty Inc.
Timothy Van Epps
400 Chapman Street
Greenfield, MA, 01301

Dear Timothy Van Epps:

NOTICE OF VIOLATION / 51 CENTER STREET / PARCEL H080021001

On June 21, 2024, acting under the authority of the City of Pittsfield Ordinance Article 23-12, § 12.1, in response a complaint, I inspected the property at 51 Center Street.

The property is a (.723) acre located in a Downtown Creative District (DCD) zoning district, having (244) feet of frontage on Center Street, (134) feet of frontage on Church Street, and (126) feet of frontage on South Church Street. There is one building on the property, which has a principal use as a service center, automobile mechanic shop, and gas station. There is also a canopy structure over the gasoline pumps.

According to the records of the City assessor's office, Sandri Realty INC is the owner of that property. Timothy Van Epps is the Registered Agent of the Corporation.

At the time of the inspection, I observed there were snowplows and snow removal equipment stacked and stored throughout the entirety of the property. The snowplows and snow removal equipment are for sale.

The storage and sale of the snow removal equipment is in violation of Pittsfield Zoning Ordinance Article 23-8 § 8.3 as an unpermitted expansion of a non-conforming use.

YOU ARE HEREBY ORDERED TO REMEDY, CORRECT AND ABATE THE VIOLATION. Within 24 hours of receipt of this letter, you must remove the referenced snowplows and snow removal equipment to comply with the ordinance.

A fine of \$50.00 has been issued with this violation. Please find ticket #03168 enclosed sent by certified mail article # 9589-0710-5270-1974-4156-44.

Please be advised that Article 23-12 § 12.6 states "Whoever shall violate any provision of this ordinance or fails to comply with any of its requirements shall, upon conviction, be fined not more than three hundred (\$300.00) dollars for each offense. Each day such violation continues, shall be considered a separate offense."

If you are aggrieved by this order, you may appeal pursuant to the City of Pittsfield Zoning Ordinance Article 23-11.

Mark Rogers

Local Building Inspector

EXHIBIT P



**CITY OF PITTSFIELD
NOTICE OF VIOLATION
OF CITY ORDINANCE**

NUMBER

03169

DATE OF THIS NOTICE: 07/09/24
 NAME OF OFFENDER: SANDY REALITY INC. / TIMOTHY VAN EGGS
 ADDRESS OF OFFENDER: 400 CHAPMAN ST.
 CITY, STATE, ZIP CODE: GREENFIELD MA 01301 DATE OF BIRTH OF OFFENDER: N/A
 MV OPERATOR LICENSE NUMBER: N/A MV/M/B REGISTRATION NUMBER: N/A

OFFENSE: Pittsfield Zoning Ordinance
23-8.3. Expansion of a non-conforming use. Snow equipment sales.

TIME AND DATE OF VIOLATION: 8:00 A.M. P.M. ON: June 22, 2024
 LOCATION OF VIOLATION AT: St. Center St. Pittsfield MA 01201
 SIGNATURE OF ENFORCING PERSON: [Signature] ENFORCING DEPARTMENT: Building

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

UNABLE TO OBTAIN SIGNATURE OF OFFENDER DATE MAILED: 7/10/24

THE NONCRIMINAL FINE FOR THIS OFFENSE IS: **\$ 100.00**

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as final disposition, with no resulting criminal record.

- You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:
 City Clerk
 City of Pittsfield
 City Hall
 Pittsfield, MA 01201
- If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:
 Clerk-Magistrate
 Berkshire District Court
 Wendell Avenue
 Pittsfield, MA 01201
 Attn.: 21D Noncriminal Hearings
- If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of: \$ _____

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

SIGNATURE _____ OFFENDER'S COPY



**CITY OF PITTSFIELD
OFFICE OF THE BUILDING COMMISSIONER**

July 10, 2024

Sandri Realty Inc.
Timothy Van Epps
400 Chapman Street
Greenfield, MA, 01301

Dear Timothy Van Epps:

NOTICE OF VIOLATION / 51 CENTER STREET / PARCEL H080021001

On June 22, 2024, acting under the authority of the City of Pittsfield Ordinance Article 23-12, § 12.1, in response a complaint, I visually inspected the property at 51 Center Street from the public way.

The property is a (.723) acre located in a Downtown Creative District (DCD) zoning district, having (244) feet of frontage on Center Street, (134) feet of frontage on Church Street, and (126) feet of frontage on South Church Street. There is one building on the property, which has a principal use as a service center, automobile mechanic shop, and gas station. There is also a canopy structure over the gasoline pumps.

According to the records of the City assessor's office, Sandri Realty INC is the owner of that property. Timothy Van Epps is the Registered Agent of the Corporation.

At the time of the inspection, I observed there were snowplows and snow removal equipment stacked and stored throughout the entirety of the property. The snowplows and snow removal equipment are for sale.

The storage and sale of the snow removal equipment is in violation of Pittsfield Zoning Ordinance Article 23-8 § 8.3 as an unpermitted expansion of a non-conforming use.

YOU ARE HEREBY ORDERED TO REMEDY, CORRECT AND ABATE THE VIOLATION. Within 24 hours of receipt of this letter, you must remove the referenced snowplows and snow removal equipment to comply with the ordinance.

A second fine of \$100.00 has been issued for this violation. Please find ticket #03169 enclosed sent by certified mail article # 9589-0710-5270-1974-4156-99.

Please be advised that Article 23-12 § 12.6 states "Whoever shall violate any provision of this ordinance or fails to comply with any of its requirements shall, upon conviction, be fined not more than three hundred (\$300.00) dollars for each offense. Each day such violation continues, shall be considered a separate offense."

If you are aggrieved by this order, you may appeal pursuant to the City of Pittsfield Zoning Ordinance Article 23-11.

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

Mark Rogers
Local Building Inspector

EXHIBIT Q



CITY OF PITTSFIELD
 NOTICE OF VIOLATION
 OF CITY ORDINANCE

03170

DATE OF THIS NOTICE: 07/09/2021
 NAME OF OFFENDER: Sanders Realty Inc. / Timothy Umpps
 ADDRESS OF OFFENDER: 1100 CHAPMAN ST.
 CITY, STATE, ZIP CODE: Greenfield MA 01301
 DATE OF BIRTH OF OFFENDER: NA
 MV OPERATOR LICENSE NUMBER: NA
 MV/MB REGISTRATION NUMBER: NA
 OFFENSE: Pittsfield Zoning Ordinance 23-8.5. Expansion of a non-conforming use. Snow Equipment Sales.
 TIME AND DATE OF VIOLATION: 8:00 A.M. P.M. ON: 7/09/2021
 LOCATION OF VIOLATION AT: St. Charles St. Pittsfield MA 01201
 SIGNATURE OF ENFORCING PERSON: [Signature] ENFORCING DEPARTMENT: Building

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION
 X

UNABLE TO OBTAIN SIGNATURE OF OFFENDER
 DATE MAILED: 07/10/2021

THE NONCRIMINAL FINE FOR THIS OFFENSE IS: \$5,100.00

- YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:**
- Either option (1) or option (2) will operate as final disposition, with no resulting criminal record.
1. You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:
 City Clerk
 City of Pittsfield
 City Hall
 Pittsfield, MA 01201
 2. If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE** to:
 Clerk-Magistrate
 Berkshire District Court
 Wendell Avenue
 Pittsfield, MA 01201
 Attn.: 21D Noncriminal Hearings
 3. If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of: \$ _____

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

SIGNATURE _____
 OFFENDER'S COPY



**CITY OF PITTSFIELD
OFFICE OF THE BUILDING COMMISSIONER**

July 10, 2024

Sandri Realty Inc.
Timothy Van Epps
400 Chapman Street
Greenfield, MA, 01301

Dear Timothy Van Epps:

NOTICE OF VIOLATION / 51 CENTER STREET / PARCEL H080021001

On July 09, 2024, acting under the authority of the City of Pittsfield Ordinance Article 23-12, § 12.1, in response a complaint, I visually inspected the property at 51 Center Street from the public way.

The property is a (.723) acre located in a Downtown Creative District (DCD) zoning district, having (244) feet of frontage on Center Street, (134) feet of frontage on Church Street, and (126) feet of frontage on South Church Street. There is one building on the property, which has a principal use as a service center, automobile mechanic shop, and gas station. There is also a canopy structure over the gasoline pumps.

According to the records of the City assessor's office, Sandri Realty INC is the owner of that property. Timothy Van Epps is the Registered Agent of the Corporation.

At the time of the inspection, I observed there were snowplows and snow removal equipment stacked and stored throughout the entirety of the property. The snowplows and snow removal equipment are for sale.

The storage and sale of the snow removal equipment is in violation of Pittsfield Zoning Ordinance Article 23-8 § 8.3 as an unpermitted expansion of a non-conforming use.

YOU ARE HEREBY ORDERED TO REMEDY, CORRECT AND ABATE THE VIOLATION. Within 24 hours of receipt of this letter, you must remove the referenced snowplows and snow removal equipment to comply with the ordinance.

A third fine of \$5100.00 has been issued for this violation. Please find ticket #03170 enclosed sent by certified mail article # 9589-0710-5270-1974-4157-12.

Please be advised that Article 23-12 § 12.6 states "Whoever shall violate any provision of this ordinance or fails to comply with any of its requirements shall, upon conviction, be fined not more than three hundred (\$300.00) dollars for each offense. Each day such violation continues, shall be considered a separate offense."

If you are aggrieved by this order, you may appeal pursuant to the City of Pittsfield Zoning Ordinance Article 23-11.

Mark Rogers
Local Building Inspector