

**TOWN OF GREAT BARRINGTON
ANNUAL TOWN MEETING
MONUMENT MOUNTAIN REGIONAL HIGH SCHOOL
AUDITORIUM
600 STOCKBRIDGE ROAD
MAY 1, 2023 AT 6:00 PM
MINUTES**

In pursuance of the foregoing warrant the inhabitants of the Town of Great Barrington qualified to vote in Town Meetings proceeded to vote at the above named meeting place with the following results. The meeting was duly called to order at 6:00 P.M. by Moderator Michael Wise who welcomed everyone to the Town Meeting. Mr. Wise stated that there was a quorum present and noted the return and service of the warrant.

Mr. Wise introduced the Town Officials seated on the stage; Town Clerk Jennifer Messina, Town Accountant Allison Crespo, Town Manager Mark Pruhenski and Town Counsel Jeffrey T. Blake. He also announced the Selectboard members on stage which were Stephen Bannon, Leigh Davis, Edward Abrahams, Eric Gabriel and Garfield Reed and the Finance Committee members which were Philip Orenstein, Milena Cerna, Madonna Meagher and Anne O'Dwyer.

Selectboard member Stephen Bannon read the following Official Land Acknowledgement: "As we gather this evening for our annual town meeting, where we will decide upon the future direction of our community, it is important that we also look to, and learn from, the lessons of the past. We want to acknowledge that we gathered on the traditional lands of the Mohican People, and honor with gratitude the land itself and the people who have stewarded it throughout the generations. We commit to continuing to learn how to become better caretakers of the land we inhabit, to understand the history and traditions of those who cared for it before us, and to learn from the successes and failures of preceding generations, in the pursuit of a more just, equal, Great Barrington."

Mr. Wise announced that the meeting is being taped for broadcast at a later date and any use of social media during the meeting is prohibited. He also asked that cell phones be silenced as well. Mr. Wise requested that everyone stand and join him in the Pledge of Allegiance.

The rules of the meeting were explained by Mr. Wise. The meeting will be governed by the Massachusetts General Laws, the Bylaws of the Town of Great Barrington and Town Meeting Time. Only registered voters of the town may participate in the meeting unless permission is granted by the moderator. Before anyone addresses the Town Meeting, he/she must proceed to the microphone and when recognized by the moderator state their name and address. Mr. Wise requested that voters speak only once per motion and limit their comments to three minutes. Comments should be limited to the merits of the motion and should not be repeated. All motions and amendments must be made in writing and any motion to reconsider must be made within 15 minutes of the announced vote. All questions are to be addressed to the moderator who will ask the appropriate person to respond. Each voter has received a warrant, a pink card and a packet of yes/no cards. Mr. Wise will instruct voters when these are to be used and what color to use if needed. He noted that a counter has been assigned to each section of the auditorium and they will report their numbers at the microphone when ready. He noted that he hoped to conclude all business this evening.

A motion was made by Stephen Bannon, seconded by someone in the audience to dispense with the reading of the warrant.

VOTED AT 6:10 PM

The Moderator also wanted take care of a procedural motion that he be allowed to declare a 2/3rds vote which is authorized by Massachusetts General Law. A motion was made by the Moderator and seconded by someone in the audience.

**VOTED AT 6:10 PM
(UNANIMOUS)**

Mr. Wise introduced Town Manager Mark Pruhenski who went through the Financial Overview of the budget on a slideshow.

ARTICLE 1: (majority)

On a motion by Philip Orenstein and seconded by Stephen Bannon, that the Town set the FY2024 spending limits for Town revolving funds as set forth in the Warrant, namely, Plumbing Inspections \$20,000, Wiring Inspections \$60,000, Gas Inspections \$15,000, Cemetery \$5,000 and Council on Aging Transportation \$40,000.

Revolving Fund	Department, Board, Committee, Agency or Officer	FY2024 Spending Limit
Plumbing Inspections	Building Department	\$20,000
Wiring Inspections	Building Department	\$60,000
Gas Inspections	Building Department	\$15,000
Cemetery	Public Works Department	\$ 5,000
COA Transportation	Council on Aging	\$40,000

VOTED AT 6:17 PM
(UNANIMOUS)

ARTICLE 2: (majority)

On a motion by Philip Orenstein and seconded by a member of the audience, that the Town fix the salaries of all elected officials for the period of July 1, 2023 to June 30, 2024 as indicated below:

Elected Officials’ Salaries:
Selectboard: \$24,500 (\$4,900 per Selectboard member)

VOTED AT 6:19 PM
(UNANIMOUS)

ARTICLE 3: (majority)

On a motion by Philip Orenstein and seconded by Stephen Bannon, that the Town raise and appropriate such sums of money necessary for the operation of departments in the Town for the ensuing fiscal year for the purposes outlined below:

General Government	
Town Manager/Selectboard	\$475,433
Finance Committee/Reserve Fund	100,300
Financial Coordinator/Town Accountant	191,778
Technology	310,760
Assessors’ Office	200,623
Treasurer/Collector	274,577
Human Resources	42,543
Town Clerk/Elections	149,612
Conservation Commission	49,981
Planning Board	5,450
Zoning Board of Appeals	1,250
Office of Planning/Community Development	167,260
Public Safety	
Police Department	\$1,986,174
Fire Department	838,688
Communications/Emergency Management	24,461
Building Inspector	190,636

Animal Control	11,850
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Department of Public Works

Buildings and Grounds	\$897,136
Highway	1,963,254

Cultural/Recreation/Human Services

Health Department	\$140,229
Human Services	25,000
Council on Aging	177,997
Veterans' Affairs	137,875
Libraries	625,666
Parks & Recreation	132,500
Various Boards/Commissions	20,000

Miscellaneous

Insurance	\$1,767,153
Debt Service	2,495,750
Retirement	1,157,483
Celebrations & Events	16,500

Total General Fund \$14,577,919

The Moderator stated he would go line by line and asked for the voters to call out hold if they wanted to discuss items. There were holds on five (5) budget lines listed below. The Moderator stated that since there was no holds on the remaining twenty five (25) lines that a vote would be taken on those budget lines first.

VOTED AT 6:24 PM

There were holds placed on the following items:

Town Manager/Selectboard- Leo Kailas and Town Manager Mark Pruhenski spoke on this item.

Police Department- Bruce Palmer, Police Chief Paul Storti, Jennifer Clark and Eugene Warford spoke on this item.

Various Boards/Commissions- Eugene Warford and Town Manager Mark Pruhenski spoke on this item.

Buildings and Grounds- Julie Anidjar spoke on this item. She made a motion to amend the proposed DPW budget and ask the town to appropriate **\$20,000** for the planting of trees under Public Works (item 191- New Trees) and it was seconded by someone in the audience.

The Moderator then asked for a vote on this amendment.

AMENDMENT PASSED AT 6:36 PM

Veterans' Affairs- A motion was made by Stephen Bannon and seconded by Edward Abrahams to increase the Veterans' Affairs budget from \$137, 875 to \$159,475 for an increase of **\$21,600**. Richard Zucco spoke on this item.

The Moderator then asked for a vote on this amendment.

AMENDMENT PASSED AT 6:38 PM

Mr. Wise then asked for a vote on the remaining 5 items above with the amendment to the Buildings and Grounds budget increase and the amendment to the Veterans' Affairs budget increase and stated that this had to be a 2/3rds majority vote.

VOTED 2/3rds MAJORITY AT 6:39 PM

ARTICLE 4: (2/3 majority secret ballot)

On a motion by Philip Orenstein and seconded by Stephen Bannon, that the sum of \$8,159,100 is appropriated to pay costs of undertaking various capital projects and acquiring various items of capital equipment, as follows:

(i) purchasing Tasers for the Police Department at an approximate cost of \$78,000 including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Town authorize the use of \$78,000 of Free Cash.

(ii) purchasing firearms for the Police Department at an approximate cost of \$29,000 including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Town authorize the use of \$29,000 of Free Cash.

(iii) purchasing and equipping a new police cruiser at a cost of approximately \$65,000 including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Town authorize the use of \$65,000 of Free Cash.

(iv) purchasing and equipping a new UTV with enclosed trailer for the Fire Department at a cost of approximately \$44,000 including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Town authorize the use of \$44,000 of Free Cash.

(v) purchasing and equipping a new ride-on leaf blower for the Department of Public Works at a cost of approximately \$18,000 including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Town authorize the use of \$18,000 of Free Cash.

(vi) purchasing new landscaping equipment for the Department of Public Works at a cost of approximately \$20,000 including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Town authorize the use of \$20,000 of Free Cash.

(vii) acquiring three new trucks for the Department of Public Works at an approximate cost of \$240,000 including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or any other authority, and to issue bonds or notes of the Town therefor.

(viii) acquiring a new loader with attachments for the Department of Public Works at an approximate cost of \$293,200, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or any other authority, and to issue bonds or notes of the Town therefor.

(ix) acquiring a new excavator for the Department of Public Works at an approximate cost of \$91,200, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or any other authority, and to issue bonds or notes of the Town therefor.

(x) making various buildings and grounds improvements at an approximate cost of \$1,325,000, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or any other authority, and to issue bonds or notes of the Town therefor.

(xi) making various street and bridge improvements at an approximate cost of \$5,235,700, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow \$3,537,200 under and pursuant to M.G.L. c. 44, §7(1), or any other authority, and to issue bonds

or notes of the Town therefor, and \$406,000 shall be transferred from Chapter 90 funds, so-called, and \$1,292,500 shall be transferred from available grant funds.

(xii) making parks improvements at an approximate cost of \$370,000, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or any other authority, and to issue bonds or notes of the Town therefor.

(xiii) making broadband improvements at an approximate cost of \$350,000, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or any other authority, and to issue bonds or notes of the Town therefor.

The amounts authorized to be expended by this vote, including by borrowing, are estimates based on information available, and the Town is authorized to expend more for any project and less for another, so long as, in the judgment of the Selectboard, each project to be funded can be completed within the total amount authorized to be expended by this vote.

The Moderator went through all 13 items within the article and asked that voters call out hold for any discussion. Items (i), (iii) and (iv) had no holds. The Moderator stated that these items did not need to be voted by secret ballot because there was no borrowing needed because free cash was being used. He then asked for a vote on these three (3) items.

VOTED AT 6:48 PM

The following items had holds:

- (ii) John Grogan, Stephen Bannon, Anne O'Dwyer and Town Manager Mark Pruhenski spoke on this item.
- (v) John Grogan spoke on this item.
- (vi) John Grogan spoke on this item.

The Moderator asked for a vote on these three (3) items. He stated again that these items did not need to be voted by secret ballot because there was no borrowing needed because free cash was being used. He then asked for a vote.

VOTED AT 6:52 PM

The Moderator then allowed discussion on the following six items that had a hold:

- (vii) John Grogan, DPW Superintendent Joseph Aberdale, Louis Moscatello and Philip Orenstein spoke on this item.
- (viii) John Grogan and DPW Superintendent Joseph Aberdale spoke on this item.
- (ix) John Grogan and DPW Superintendent Joseph Aberdale spoke on this item.
- (x) Assistant Town Manager/Director of Planning & Development Christopher Rembold spoke on this item.
- (xi) Richard Palmer, Christopher Rembold, and Maura Perry spoke on this item.
- (xiii) The following people spoke on this item: John Breasted, Stephen Bannon, Eugene Warford, Christopher Rembold, Thomas Ferris, Peter Franck, Eric Gabriel, Robert Braddick, Philip Orenstein and Leigh Davis spoke on this item.

The Moderator then asked for a vote on the remaining items vii through xiii and stated it would be done through a secret ballot vote using the yellow yes/no cards and that it needed to be a 2/3rds majority.

VOTED by 2/3rds SECRET BALLOT AT 7:29 PM
YES –232 NO – 17

ARTICLE 5: (majority)

On a motion by Philip Orenstein and seconded by someone in the audience, that the Town appropriate and authorize the use of \$500,000 in Free Cash, representing amounts received under host community agreements with marijuana establishments to fund various community programs under an application and approval process to be administered by the Town Manager.

Town Manager Mark Pruhenski spoke on this article.

VOTED AT 7:26 PM

ARTICLE 6: (majority)

On a motion by Leigh Davis and seconded by Stephen Bannon, that the Town appropriate from the receipts of the Wastewater Treatment Plant such sums of money necessary for the operation of the Sewer Division for the ensuing fiscal year for the purposes outlined below.

<u>Wastewater Treatment Plant</u>	
Salaries	\$ 534,384
Expenses	877,640
Insurance/Benefits	336,141
Miscellaneous/Transfers	283,677
Debt Service	<u>792,869</u>
Total Wastewater Treatment Plant Budget: \$2,824,711	

The Moderator stated he would go line by line and asked for the voters to call out hold if they wanted to discuss any items. There were none so the Moderator asked for a vote.

VOTED AT 7:27 PM

ARTICLE 7: (majority)

On a motion by Edward Abrahams and seconded by Stephen Bannon, that the sum of \$614,400 is appropriated to pay costs of undertaking various capital projects and acquiring capital equipment in the Wastewater Department, as follows:

- (i) acquiring a new mower for the Wastewater Department at an approximate cost of \$14,400, including the payment of all costs incidental and related thereto, and that to meet this appropriation the Town authorize the use of \$14,400 of Retained Earnings in the Sewer Enterprise Fund.
- (ii) retaining engineering services at an approximate cost of \$200,000, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Town authorize the use of \$200,000 of Retained Earnings in the Sewer Enterprise Fund.
- (iii) making collection system improvements at an approximate cost of \$400,000, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Town authorize the use of \$400,000 of Retained Earnings in the Sewer Enterprise Fund.

The amounts authorized to be expended by this vote are estimates based on information available, and the Town is authorized to expend more for any project and less for another, so long as, in the judgment of the Selectboard, each project to be funded can be completed within the total amount authorized to be expended by this vote.

VOTED AT 7:28 PM

ARTICLE 8: (majority)

On a motion by Eric Gabriel and seconded by Stephen Bannon, that the Town appropriate the sum of \$300,000, the unexpended portion of the \$400,000 authorized to be borrowed under Article 8 of the warrant for the June 22, 2020 Annual Town Meeting for sewer line replacements at Main and Maple Streets, and for which no further liability remains, to pay the costs of Wastewater departmental equipment and Wastewater system improvement and repair projects, including the payment of all costs incidental and related thereto.

**VOTED AT 7:30 PM
(UNANIMOUS)**

ARTICLE 9: (majority)

On a motion by Garfield Reed and seconded by Stephen Bannon, that the Town raise and appropriate the sum of Nineteen Million, Eight Hundred Eighty-Nine Thousand, Eight Hundred and Seventy-Four Dollars (\$19,889,874) for the operating assessment, and Four Hundred Forty-Three Thousand, Eight Hundred and Fifty-Nine Dollars (\$443,859) for the capital assessment, for a total assessment of Twenty Million, Three Hundred Thirty-Three Thousand, Seven Hundred and Thirty-Three Dollars (\$20,333,733) of the Berkshire Hills Regional School District.

School Superintendent Peter Dillon made a presentation on this article.

VOTED AT 7:37 PM

ARTICLE 10: (majority)

On a motion by Stephen Bannon and seconded by Edward Abrahams, that the Town raise and appropriate \$140,000 to fund the Fiscal Year 2024 tuition and transportation costs for out of district vocational education, in accordance with Chapter 74 of the Massachusetts General Laws.

VOTED AT 7:39 PM

ARTICLE 11: (majority)

On a motion by Philip Orenstein and seconded by someone in the audience, that the Town authorize the use of \$4,175,000 in Free Cash to reduce the tax levy for Fiscal Year 2024.

Philip Orenstein spoke on this article.

VOTED AT 7:40 PM

ARTICLE 12: (4/5majority)

On a motion by Philip Orenstein and seconded by Stephen Bannon, that the Town authorize the payment of prior fiscal year(s) invoices from the insurance appropriation for the FY23 operating budget in the amounts set forth below:

Insurance:	\$87.55 to Berkshire Medical Center	Account Number:	01945-57500
	\$195.00 to Custom Drug Testing, Inc.	Account Number:	01945-57500

The Moderator stated that this article had to be a vote by 4/5th's majority. The Moderator then asked for a vote on this article.

**VOTED 4/5ths MAJORITY AT 7:41 PM
(UNANIMOUS)**

ARTICLE 13: (majority)

On a motion by Philip Orenstein and seconded by Stephen Bannon, that the Town appropriate and authorize the transfer of \$150,000 from Free Cash for deposit into the Stabilization Fund.

VOTED AT 7:42 PM

ARTICLE 14: (majority)

On a motion by Philip Orenstein and seconded by Stephen Bannon, that the Town appropriate and authorize the transfer of \$150,000 from Free Cash for deposit into the Capital Stabilization Fund.

VOTED AT 7:43 PM

ARTICLE 15: (majority)

On a motion by Philip Orenstein and seconded by Stephen Bannon, that the Town accept section 20 of General Laws Chapter 32B and establish an Other Post-Employment Benefits (OPEB) Trust Fund, to account for appropriations made to cover current and future liabilities of the Town for group health insurance benefits for retirees and their dependents.

The following people spoke on this article:

Louis Moscatello Town Manager Mark Pruhenski Philip Orenstein

VOTED AT 7:49 PM

ARTICLE 16: (majority)

On a motion by Philip Orenstein and seconded by Stephen Bannon, that the Town transfer the balance, as of June 30, 2023, of the monies in the Pension Reserve Trust Fund established pursuant to the vote under Article 32 of the warrant for the 1986 Annual Town Meeting into the OPEB Trust Fund, said transfer to be made at the end of Fiscal Year 2023.

**VOTED AT 7:50 PM
(UNANIMOUS)**

ARTICLE 17: (majority)

On a motion by Leigh Davis and seconded by Stephen Bannon, that the Town appropriate and transfer the sum of \$30,000 from the Sale of Cemetery Lots Fund to pay for a comprehensive cemetery study and for general maintenance expenses for the Town's cemeteries.

VOTED AT 7:51 PM

ARTICLE 18: (majority)

On a motion by Edward Abrahams and seconded by Stephen Bannon, that the Town appropriate \$151,294 from Free Cash to support the operation of the Southern Berkshire Ambulance service (Southern Berkshire Volunteer Ambulance Squad, Inc.).

The following people spoke on this article:

James Santos Mary Atchinson Robert Braddick

VOTED AT 7:57 PM

ARTICLE 19: (majority)

On a motion by Eric Gabriel and seconded by Stephen Bannon, that the Town appropriate and transfer \$20,000 from Free Cash for deposit into the Unemployment Trust Fund.

VOTED AT 7:58 PM

ARTICLE 20: (majority)

On a motion by Garfield Reed and seconded by Stephen Bannon, that the Town appropriate and authorize the transfer of \$175,000 from Free Cash for deposit into the Affordable Housing Trust Fund.

VOTED AT 7:58 PM

ARTICLE 21: (majority)

On a motion by Stephen Bannon and seconded by someone in the audience, that the Town appropriate \$30,600 from Free Cash to upgrade the Town’s website, including the payment of all costs incidental and related thereto.

VOTED AT 7:59 PM

ARTICLE 22: (majority)

On a motion by Philip Orenstein and seconded by Stephen Bannon, that the Town appropriate \$15,000 from Free Cash to pay legal fees associated with upcoming renewals of Host Community Agreements in accordance with Cannabis Control Commission Guidelines.

VOTED AT 8:00 PM

ARTICLE 23: (majority)

On a motion by Philip Orenstein and seconded by Stephen Bannon, that the Town hereby rescinds the following amounts that have been authorized to be borrowed by vote of Town Meeting, but which are no longer needed for the purposes for which they were initially approved:

Unused Amount	Date of Approval	Warrant Article	Original Purpose
\$ 45,000	05/09/2016	4	Fire Department Equipment (Air Packs)
\$ 11,300	05/09/2016	4	Police Computer (Hardware)
\$ 24,000	05/09/2016	4	Police Phone System
\$ 45,600	05/09/2016	4	Police Cruisers
\$ 45,000	05/09/2016	4	Pickup Truck
\$ 2,500	05/09/2016	4	Voting Machines
\$ 9,000	06/22/2020	6	(2) Police Cruisers
\$ 2,100	06/22/2020	6	Jaws of Life
\$ 1,000	06/22/2020	6	4600 Dump Truck w/Plow and Sander
\$ 900	06/22/2020	6	Roadside Mower
\$ 3,700	06/22/2020	6	(2) Mowers
\$ 250	06/22/2020	6	1-Ton Roller
\$ 13,400	06/22/2020	6	Sewer Department Service Vehicle

VOTED AT 8:01 PM

ARTICLE 24: (majority)

On a motion by Leigh Davis and seconded by Stephen Bannon, that the Town authorize the closing of any public office in the Town on any or all Saturdays as may be determined from time to time, pursuant to Chapter 41, Section 110A of the Massachusetts General Laws.

Town Clerk Jennifer Messina spoke on this article.

VOTED AT 8:03 PM
(UNANIMOUS)

ARTICLE 25: (majority)

On a motion by Thomas Blauvelt and seconded by someone in the audience, that the Town appropriate from the Community Preservation Fund annual revenues the following amounts recommended by the Community Preservation Committee for committee administrative expenses in FY24 and for payment of debt service and costs related thereto for the Memorial Field improvement project authorized by vote of the June 6, 2022 Annual Town Meeting, and reserve for future appropriation for community preservation projects the following reserve amounts, with each item to be considered a separate appropriation:

<u>Reserves:</u>	
From FY24 revenues for historic resources reserve	\$ 55,000
From FY24 revenues for community housing reserve	\$ 55,000
From FY24 revenues for open space reserve	\$ 0
<u>Appropriations:</u>	
From FY24 revenues for debt service on Memorial Field project, and costs related thereto	\$ 62,000
From FY24 revenues for administrative expenses	\$ 15,000
Balance of FY24 revenues for FY24 budgeted reserve	\$363,000

Thomas Blauvelt spoke on this article.

VOTED AT 8:06 PM
(UNANIMOUS)

ARTICLE 26: (majority)

On a motion by Thomas Blauvelt and seconded by Stephen Bannon, that the Town appropriate from the Community Preservation Fund for FY24 and from the fund balance the following amounts recommended by the Community Preservation Committee, with each item to be considered a separate appropriation:

			Source of Appropriation	
	Project	Total Appropriation	FY24 Revenues	Fund Balance
	<i>AFFORDABLE HOUSING</i>			
1	Town: Affordable Housing Trust Fund	\$265,000	\$55,000	\$210,000
2	Construct, Inc.: Housing feasibility	\$150,000		\$150,000
3	Alander Group, housing at 322 Main Street	<u>\$250,000</u>		\$250,000
	Subtotal, Affordable Housing	\$665,000		
	<i>HISTORIC RESOURCES</i>			
4	Town, Brown mausoleum preservation	\$20,000	\$20,000	

5	First Congregational Church, restoration of Manse exterior	\$225,000	\$225,000	
6	Alander Group, for historic preservation of 322 Main Street	\$150,000		\$150,000
7	BAB Capital 77 LLC, for preservation of The Cove, phase 1	<u>\$50,000</u>	\$50,000	
	Subtotal, Historic Resources	\$445,000		
<i>OPEN SPACE & RECREATION</i>				
8	Conservation Commission for the McAllister Wildlife Refuge preservation project	\$20,000		\$20,000
9	Berkshire Natural Resources Council, for Three Mile Hill Trail improvements	<u>\$40,000</u>		\$40,000
	Subtotal, Open Space & Recreation	\$60,000		
TOTAL		\$1,170,000		

The Moderator stated he would go line by line and asked for the voters to call out hold if they wanted to discuss any items. There were holds on items 3, 5, 6 and 7. Since there were no holds on items 1, 2, 4, 8 and 9, Mr. Wise asked for a vote on those five items.

VOTED AT 8:09 PM

The following items had holds:

3. Alander Group, housing at 322 Main Street
The following people spoke on this project:

Elaine Hines	Anne Alquist	Kenneth Schumacher
Christopher Rembold	James Bailly	Sharon Gregory
James Manning	Ian Rasch	Robert Braddick
Andrew Blechman	Leigh Davis	Ellen Lahr
Jennifer Clark	Krystyna Kurzyca	Eugene Warford
Leora Kahn	Emily Devoti	Pedro Pachano

After much deliberation on this project, the Moderator asked the tellers to do a hand count.

MOTION FAILED AT 8:36 PM
YES –69 NO – 146

5. First Congregational Church
Nobody spoke on the hold for this project so the Moderator asked for a vote.

VOTED AT 8:37 PM

6. Alander Group, for historic preservation of 322 Main St.
The following people spoke on this project:
- | | | | |
|-------------------------------------------------------------------------------|---------------|--------------|-------------|
| Jennifer Clark | James Manning | Malcolm Fick | Leigh Davis |
| Assistant Town Manager/Director of Planning & Development Christopher Rembold | | | |

The Moderator then asked for a vote.

MOTION FAILED AT 8:44 PM

7. BAB Capital 77 LLC, for preservation of The Cove, phase 1
The following people spoke on this project:

Anne Alquist
Craig Barnum
Ellen Lahr

James Manning
Stephanie Boszko
Paige Welborn

Leigh Davis
Michelle Loubert

Once everyone was done speaking, the Moderator asked for a vote on this project.

VOTED AT 8:55 PM

ARTICLE 27: (majority)

On a motion by Eric Gabriel and seconded by Stephen Bannon, that the Town authorize the Selectboard to acquire, by donation, a parcel of land containing approximately 36,000 square feet on and easterly of Bentley Avenue, Great Barrington and owned by the Community Development Corporation of South Berkshire, Inc., for open space purposes, under the jurisdiction of the Parks Commissioners pursuant to M.G.L. Chapter 45, section 3, or otherwise under the jurisdiction of the Town; said land being shown as “Parcel A” on Plat P-198 recorded at the Southern Berkshire Registry of Deeds on December 22, 2011, a copy of which is on file with the Town Clerk, and to authorize the Parks Commissioners and the Selectboard to take all actions and execute all documents necessary in connection therewith.

Michele Gilligan and Assistant Town Manager/Director of Planning & Development Christopher Rembold spoke on this article.

VOTED AT 8:58 PM

ARTICLE 28: (2/3 majority)

On a motion by Garfield Reed and seconded by Stephen Bannon, that the Town authorize the Selectboard to acquire certain parcels of land and certain permanent easements and/or temporary construction easements through all legal means including donation, purchase, or eminent domain, in order to implement improvements along Lake Mansfield Road, said land areas being shown on a set of six draft plans which are on file with the Town Clerk; to appropriate \$2,500 from Free Cash for expenses related thereto; and to authorize the Selectboard to take all actions and execute all documents necessary in connection therewith.

The Moderator asked for a vote on the article and stated that it had to be a 2/3rds majority vote.

**VOTED 2/3rds MAJORITY AT 8:59 PM
(UNANIMOUS)**

ARTICLE 29: (majority)

On a motion by Stephen Bannon and seconded by someone in the audience, that the Town amend Chapter 153, section 14 C, of the Town Code as set forth in Article 29 of the warrant for this Town Meeting:

Proposed deletions of existing text are ~~struck through~~. Proposed insertions are underlined.

No more than two driveways shall normally be allowed for any property unless there is a clear necessity for more. Leasing of a portion of the property does not affect this requirement. If a number of establishments will be constructed on one parcel, a service road may be required, to connect with allowable exit and entrance.

A third driveway may be permitted if it will result in a clear benefit to the Town. Such benefit shall be identified as part of a written finding in granting the permit and may include, but not be limited to, additional housing, increased public safety or amenity, reduced public road maintenance, and/or job creation.

Jonathan Hankin spoke on this article.

VOTED AT 9:01 PM

ARTICLE 30: (2/3 majority)

On a motion by Jonathan Hankin and seconded by Stephen Bannon, that the Town amend Section 11.0 of the Zoning Bylaw as set forth in Article 30 of the warrant for this Town Meeting, and make corresponding changes of terminology in those portions of the Zoning Bylaw where the defined terms being amended are used.

Purpose of the amendments: Because the term “family” means a group of related people, the term can exclude the wide variety of household living arrangements that exist among people not related by blood, marriage or adoption. These amendments substitute the word “unit” in place of the term “family” in zoning definitions such as “dwelling, single family.” Using the term unit instead of family will ensure our zoning does not exclude non-nuclear families, unmarried couples, group homes, and people who choose to live together in group housekeeping arrangements.

Proposed deletions of existing text are ~~struck through~~. Proposed insertions are underlined.

ACCESSORY DWELLING UNIT: a subordinate dwelling unit on the same lot as a primary single ~~residential family unit dwelling~~ or two-~~family unit dwelling~~ ~~residential~~ use, whether in an accessory building or within the same building as the primary dwelling, with provisions for independent cooking, living, sanitation and sleeping. A Movable Tiny House (MTH) connected to electricity, water, and sewer or septic that has its chassis, wheels, and hitch concealed shall be considered an accessory dwelling unit.

DWELLING, ~~MULTIFAMILY~~MULTI-UNIT: A residential building containing three or more dwelling units ~~designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.~~

DWELLING, SINGLE ~~FAMILY~~UNIT: An individual detached residential dwelling unit, other than a mobile home, ~~designed for and occupied by one family only.~~

DWELLING, TWO-~~FAMILY~~ UNIT: A detached residential building containing two dwelling units, ~~designed for occupancy by not more than two families.~~

DWELLING UNIT: ~~One or more rooms constituting a separate, independent housekeeping establishment with cooking, living, sanitary and sleeping facilities for the use of one family.~~ A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

FAMILY: ~~One or more individuals related by blood, marriage or adoption, or not more than five individuals who are not so related, living together as a single housekeeping unit.~~

LIVE/WORK UNITS: Space used by artists, craftspeople or persons engaged in creative services for the following two purposes: making items and/or performing services and residing on the premises. Such residency shall be limited to one ~~family~~ household per unit.

MOBILE HOME: A detached ~~single-family~~ dwelling unit with substantially all of the following characteristics:

- Mobile homes must meet American Standard Association Code Provision A-119-1.
- Mobile homes must contain at least 500 square feet of living area.
- All occupied mobile homes must be installed in conformance with the Massachusetts Building Code and any special requirements as prescribed in an issued special permit.
- Designed for long-term occupancy by a single household and containing sleeping accommodations, flush toilet, a tub or shower, bath and kitchen facilities, with

- plumbing and electrical connections provided for attachment to outside systems.
- Designed to be transported after fabrication on its own wheels or on flat bed or other trailers or detachable wheels.
- Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connections to utilities and the like.

PLANNED UNIT RESIDENTIAL DEVELOPMENT: Any ~~multifamily~~ multi-unit development consisting of 10 or more dwelling units on a single lot or on separate lots within the same development, whether for rental or for sale, either as condominiums or under cooperative ownership.

Jonathan Hankin spoke on this article.

The Moderator asked for a vote on the article and stated that it needed to be a 2/3rds majority vote.

VOTED 2/3rds MAJORITY AT 9:03 PM

ARTICLE 31: (2/3 majority)

On a motion by Pedro Pachano and seconded by Stephen Bannon, that the Town amend Section 6.4, Performance Standards, of the Zoning Bylaw, as set forth in Article 31 of the warrant for this Town Meeting.

Purpose of the amendments: This proposal is to amend Section 6.4, Performance Standards, in order to codify certain criteria by which all land uses must abide, rather than leaving these criteria to the discretion of a permit granting authority. An example is exterior lighting, which is frequently a concern of neighbors and of permitting boards, but for which currently there are only generalized regulations.

Proposed deletions of existing text are ~~struck through~~. Proposed insertions are underlined.

6.4.1 General. Hereafter, no land, building or structure in any district shall be used in a manner that creates any dangerous, injurious, noxious or otherwise objectionable fire, explosion or other hazard; noise or vibration, smoke, dust, dirt or other form of air pollution; electrical or other disturbance; glare or any other dangerous or objectionable substance, condition or element in any amount that adversely affects the surrounding area or premises. The determination of the existence of any dangerous or objectionable elements shall be made at or beyond the property lines of the use creating such elements, wherever the effect is greatest. Any use already established on the effective date of this Bylaw shall not be altered or modified to conflict with, or further conflict with, these performance standards.

6.4.2 Deposited Materials. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces. Erosion control measures such as covering, planting, paving or other means to eliminate wind and water erosion shall be utilized to stabilize bare earth and/or stockpiled materials at all times.

6.4.3 Fire Hazard; Pests. All materials or wastes which constitute a fire hazard or which may be edible by or attractive to rodents or insects shall be stored outdoors only in closed containers.

6.4.4 Discharges. No discharge at any point into any public sewer, private sewage disposal system or stream, lake or pond or into the ground of any material of such nature or temperature as may contaminate any water supply or cause the emission of dangerous or offensive elements shall be permitted, except in accordance with standards approved by the Massachusetts Department of Public Health and the Board of Health of the Town of Great Barrington.

6.4.5 Site Design. All site development shall meet the following objectives and shall be reviewed at staff level for compliance. Any deviation from these criteria shall require approval by the Planning Board through the Site Plan Review process

1. Existing grade should be changed by no more than six feet, and resulting in a balance on site between cut and fill, except for basement and cellar excavations.
2. Site circulation. Site circulation should have clarity from the driver's perspective, shall be designed to minimize glare from headlights, and shall be designed to promote safe pedestrian access.
3. Pedestrian access. Pedestrian access should be provided among all facilities on the site, including parking, between them and the street and between them and adjacent premises developed for uses open to the public to ensure accessibility and pedestrian and vehicular safety, both on the site and accessing and exiting the site.
4. There shall be no contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances in quantities greater than those normally associated with household use.
5. Drainage controls shall be specifically designed for the site based on the project's and site's characteristics, and such controls shall be detailed on application documents.
6. Parking, storage, or other outdoor service areas viewed from public ways and abutting properties residentially used or zoned shall be screened.
7. All lighting shall comply with Subsection 6.4.6 of this Bylaw.
8. All projects shall comply with Sections 6.2 and 6.3 of this Bylaw. The removal of trees of 6" caliper or larger is discouraged.

6.4.6 Lighting. It is the intent of this Section to establish lighting standards that result in exterior lighting systems that are designed, constructed, and installed to control glare and light trespass, to minimize obtrusive light, to conserve energy and resources while maintaining safety, visibility, security of individuals and property, and curtailing the degradation of the nighttime visual environment.

The following standards shall apply to all exterior light fixtures, whether new or replacement, except for temporary lights.

1. All lights shall have full horizontal shielding so that light shines only downward.
2. Any LED lights shall have a color temperature of 3,000 Kelvin or less.
3. No light shall remain permanently illuminated between the overnight hours of 11:00 PM to 5:00 AM unless the light can be dimmed to 50 percent or less luminance, except for lights at emergency facilities. Motion sensors and photo cells may be utilized to turn on lights or to increase lighting to full luminance.
4. The bottom of the light source on a pole light shall be no higher than 15 feet above finish grade unless specified otherwise in this bylaw.
5. Light fixtures shall be located and/or shielded so that illumination onto any adjacent property is no greater than 0.1 footcandles.

6.4.7 Special Permit. The Planning Board may, by special permit pursuant to Section 10.4, authorize a deviation from any requirement set forth in this Section 6.4. In instances where an application is pending before a different Special Permit Granting Authority, that body may, in accordance with a finding by the Planning Board, authorize the deviation from the requirements of Section 6.4.

The following people spoke on this article:

Jennifer Clark

Pedro Pachano

Eugene Warford

Malcolm Fick

The Moderator asked for a vote on the article and stated that it needed to be a 2/3rds majority vote.

VOTED 2/3rds MAJORITY AT 9:13 PM

ARTICLE 32: (2/3 majority)

On a motion by Jacqueline Kain and seconded by Stephen Bannon, that the Town amend Section 3.1.4, Table of Use Regulations, of the Zoning Bylaw, as set forth in Article 32 of the warrant for this Town Meeting.

Purpose of the amendments: This proposed amendment is intended to regulate three-unit residential uses in the same manner as two-unit residential uses; in other words, three-unit structures would be allowed by right in all zones, rather than by special permit in residential zones and by right in business zones. It would thus classify as multi-unit residential uses those uses with four or more units, and those would be allowed as per A (3) of the Table of Use Regulations.

Proposed deletions of existing text are ~~struck through~~. Proposed insertions are underlined.

Permitted Use			ZONING DISTRICT ¹														ADDITIONAL APPLICABLE REGULATIONS	
			R1A	R1B	R2	R3	R4	B	HVC	B1	B2	B2A	B2X	B3	MXD	I		I2
A.	Residential uses																	
	(1)	Dwelling, Single family unit	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	SB	SB	
	(2)	Dwelling, Two-family and three-unit	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	See also 8.1 , 8.7 .
	(3)	Dwelling, multi-unit family																
		3 4 to 8 units	SB	SB	SB	SB	N	Y	SB	SB	Y	SB	Y	Y	Y	N	SB	See also 8.3
		9 units or more	N	N	N	SB	N	SB	SB	N	SB	SB	SB	Y	SB	N	SB	See also 8.3

¹NOTE: ~~Dimensional and lot size requirements and other conditions as set forth in 8.1.1 and 8.1.4 shall apply even where the use is permitted by right.~~

Jacqueline Kain spoke on this article.

The Moderator asked for a vote on the article and stated that it needed to be a 2/3rds majority vote.

VOTED 2/3rds MAJORITY AT 9:14 PM

ARTICLE 33: (2/3 majority)

On a motion by Malcolm Fick and seconded by Stephen Bannon, that the Town amend Sections 8.1, 8.2, and 8.3 of the Zoning Bylaw, as set forth in Article 33 of the warrant for this Town Meeting.

Purpose of the amendments: This proposal is intended to amend Sections 8.1 and 8.3 of the Bylaw to reflect that two- unit and three-unit residential uses are now regulated similarly. This will also remove the site plan review requirement for accessory dwelling units, and for two- and three-unit residential uses. Instead the design, performance, and neighborhood impact of these uses will be required to comply with clear criteria set forth in the Bylaw at Section 6.4.

Proposed deletions of existing text are ~~struck through~~. Proposed insertions are underlined.

8.1 TWO- AND THREE-UNIT ~~FAMILY~~ RESIDENTIAL USES OF A SINGLE LOT

8.1.1 General. The two- and three-unit ~~family~~ residential use of a single lot is permitted as set forth in Section 3.1.4, Table of Use Regulations. For the purposes of this section, any set of two or three dwelling units on a single lot, whether in the same building or in separate buildings, shall be considered two- or three-unit ~~family~~ residential use. ~~except where Section 8.2 applies.~~

8.1.2 Site Plan Approval Required. ~~Two family residential use of a single lot shall require~~

~~site plan approval from the Planning Board. Every application for a site plan approval shall be accompanied by site plans, floor plans and elevations meeting all applicable requirements of this Bylaw.~~

8.1.32 Requirements. All two-family and three-unit residential uses shall comply with the following requirements:

- ~~1. All repairs, renovations or construction specified by the applicant in his application shall be made to the satisfaction of the Inspector of Buildings before an occupancy permit is issued.~~
- ~~2. There shall be separate toilet, bath and kitchen facilities for each dwelling unit.~~
- ~~3. 1. Fire escapes and outside stairways leading to a second or higher story, where practicable, shall: not be located on any building wall facing a street; be located on the rear or side of the building; and comply with Section 4.2.3, Permitted Projections into Yards.~~
- ~~4. 2. One and one-half (1.5) off-street parking spaces shall be provided for each dwelling unit, located in such a manner that permeable surfaces, including lawns and/or garden areas but exclusive of all structures, driveways, walkways and parking spaces, shall be no less than 15% of the total area of the property. Deviation from this requirement may be permitted in accordance with Section 6.1.9.~~
- ~~5. 3. Drainage controls shall be specifically designed and detailed on drawings. Drainage improvements may be required as a condition of the site plan review approval.~~
- ~~6. Any other conditions specified by the Planning Board.~~

~~**8.1.4 Notice.** The Planning Board shall notify the Inspector of Buildings of its site plan review approval and any conditions prior to the issuance of a building permit.~~

8.2 ACCESSORY DWELLING UNIT (ADU)

8.2.1 General. An accessory dwelling unit (ADU) is permitted in any district, except where an ADU is proposed in a legally pre-existing nonconforming structure, in which case the ADU shall require a special permit issued by the Zoning Board of Appeals in accordance with Sections 5.0, 8.2, and 10.4.

~~**8.2.2 Site Plan Approval.** Any new ADU shall be subject to site plan review and approval based upon the criteria set forth herein and in Section 10.5. The Planning Board will conduct the site plan review in accordance with Section 10.5 and all criteria specified in Section 8.2. An approved site plan for an ADU is required prior to the issuance of the building permit by the Building Inspector. The Board of Health shall give its approval prior to the issuance of a building permit.~~

8.2.3 2 Requirements.

1. Only one ADU may be established per lot.
2. An ADU may not in any case be larger than 900 square feet of net usable floor area. If a dwelling unit greater than 900 square feet of net usable floor area is created within a single-family unit home, the residence will be considered a two-family unit dwelling and will be subject to the requirements of Section 8.1 of this Bylaw.
3. The structure in which the ADU is to be located must meet the zoning requirements for residences, except when it is a legally pre-existing nonconforming structure and the Zoning Board of Appeals authorizes the use by special permit.

4. One parking space shall be provided in addition to that required by the present building. All required parking spaces, including the parking space for the ADU, must be provided no closer to the street than the building setback line., ~~unless other specified provisions are made and agreed to by the permit granting authority. The Planning Board, or SPGA, in accord with a finding by the Planning Board, may, by special permit pursuant to Section 10.4, authorize a deviation from this requirement. Deviation from these requirements may be permitted in accordance with Subsection 6.1.9.~~
5. An ADU may be created within a new or a previously existing single-family unit or two-unit ~~family~~ residential structure.
6. A home occupation may be allowed within any dwelling unit and/or accessory structure. Any such home occupation shall meet the provisions of Section 3.3.
7. Fire escapes and outside stairways leading to a second or higher story shall comply with Section 4.2.3.
8. Farm Dwellings: More than one ADU shall be allowed on lands used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture, or viticulture as defined in MGL Ch. 128, Sec 1A, provided such ADUs are solely used for the farm's full-time employees.
9. The Board of Health or its agent shall give its approval prior to the issuance of a building permit.

8.3 ~~MULTI-UNIT~~FAMILY DWELLINGS

8.3.1 General. Multi-unit residential ~~family~~ uses may be permitted by-right or by special permit as set forth in the Table of Use Regulations, ~~and All multi-family uses shall require site plan approval in accordance with Section 10.5.~~

8.3.2 Definition. For the purposes of this section, the placing of more than ~~two~~ three dwelling units on a single lot, under any circumstances, shall be considered a multi-unit ~~family-use~~ residential use. Example: a lot with a three- unit residential use and an accessory dwelling unit would be classified as a multi-unit residential use.

8.3.3 Requirements. Multi-unit~~family~~ dwellings shall comply with all the following special requirements ~~and procedures, as applicable, which shall be made conditions of the special permit.~~ The Special Permit Granting Authority (SPGA) may waive any or all of these requirements for multi-unit~~family~~dwellings in existence as of May 9, 2016, after making a specific finding of why the requirement should not apply, and shall note any waivers in the Special Permit decision.

~~1. In a multifamily development, more than one principal building may be permitted on a lot, provided that there shall be at least 2,500 square feet of lot area for each dwelling unit. The SPGA may, by special permit, allow the lot area per unit to be less than 2,500 square feet per unit.~~

~~2.1~~ Permeable open space on the lot, including lawn and/or garden area but exclusive of structures, driveways, walkways and parking spaces, shall be no less than 50% of the total area of the property.

~~3.2~~ One and one-half (1.5) off-street parking spaces shall be provided for each dwelling unit. No space shall be considered available for parking if such space reduces the effective width of a driveway providing access to more than one dwelling unit to less than 12 feet. In the event that the required parking spaces cannot be provided on the property, deviation from this requirement may be permitted in accordance with Section 6.1.9.

8.3.4 Procedures. ~~When filing a special permit application, if required, the applicant shall~~

~~submit to the SPGA at least six copies of a site plan showing, in addition to all characteristics specified in Section 10.5, the general plan and elevations of the buildings, as well as provisions for proposed parking spaces, interior roadways, walkways, drainage and recreational facilities.~~

- ~~1. Such site plan, subject to such amendment thereof as may be required by the Planning Board under the provisions of this Bylaw shall be made a part of the building permit.~~
- ~~2. The SPGA shall notify the Inspector of Buildings of its approval of a special permit.~~

~~**8.3.5 Occupancy Permit.** All repairs, renovations or construction specified by the applicant in his application shall be completed to the satisfaction of the Inspector of Buildings before an occupancy permit is issued.~~

8.3.6 8.3.4 Exemptions in Downtown B District, B2X, HVC, MXD District, and General Business B2 District. The requirements of Section 8.3.3 shall not apply to any multifamily dwelling in a single existing building within the Downtown Business B District, B2X, B2, HVC, or MXD District.

Malcolm Fick spoke on this article.

The Moderator asked for a vote on the article and stated that it needed to be a 2/3rds majority vote.

VOTED 2/3rds MAJORITY AT 9:15 PM

ARTICLE 34: (2/3 majority)

On a motion by Malcolm Fick and seconded by Stephen Bannon, that the Town amend Section 6.2.7 of the Zoning Bylaw, as set forth Article 34 of the warrant for this Town Meeting.

Purpose of the amendments: This proposal is to amend Route 7 landscaping requirements because the existing requirement for a new tree for every 25 feet of frontage can be impractical.

Proposed deletions of existing text are ~~struck through~~. Proposed insertions are underlined.

6.2.7 Required Trees. At least one deciduous tree shall be planted within the lot's front setback for every 25 feet of frontage on a lot on which a new building is erected or when any activity or use requires Site Plan Review as set forth in Section 10.5.1. The tree or trees shall be planted between the roadway and the building line that is closest to the roadway, provided that this does not interfere with utilities. The Planning Board, as part of its Site Plan review and approval for a project, may waive or modify the requirements of this subsection if it finds that strict adherence to this requirement would be impractical given the particular characteristics of the site.

Malcolm Fick spoke on this article.

The Moderator asked for a vote on the article and stated that it needed to be a 2/3rds majority vote.

VOTED 2/3rds MAJORITY AT 9:16 PM

ARTICLE 35: (2/3 majority)

On a motion by Jeremy Higa and seconded by Stephen Bannon, that the Town amend the B-2 column of Section 3.1.4, Table of Use Regulations, of the Zoning Bylaw by adding a footnote as

set forth in Article 35 of the warrant for this Town Meeting, and authorize the Town Clerk to assign to the footnote the applicable number.

Purpose of the amendments: These amendments would add a footnote to two uses in the B-2 zone column of Section 3.1.4, Table of Use Regulations. Specifically, the use permissions for Multi-Unit Residential Development of more than 9 dwelling units and for Mixed Use development, both of which currently require a Special Permit from the Selectboard, would be amended so that if the development includes affordable housing, the development shall be permitted by right.

Proposed deletions of existing text are ~~struck through~~. Proposed insertions are underlined.

Permitted Use		ZONING DISTRICT ¹	ADDITIONAL APPLICABLE REGULATIONS
		B2	
A. Residential uses			
(1)	Dwelling, Single family	Y	
(2)	Dwelling, Two-family	Y	See also 8.1 , 8.7 .
(3)	Dwelling, multifamily 3 to 8 units	Y	See also 8.3
	9 units or more	SB ^x	See also 8.3 . <u>Affordable housing per footnote x</u>
(4)	Assisted living residence	PB	See also 8.8
(5)	Live/work units	Y	See also 9.4 , 9.6 .
(6)	Lodging house or tourist home for transient guests	SB	See also 7.16
(7)	Mixed use	SB ^x ——	See also 8.4 , 9.6 . <u>Affordable housing per footnote ^x</u>

^x In any development containing 9 or more residential units, if at least ten percent of those units are dedicated as a unit affordable to a household earning not more than 100 percent of the area median income, that development shall be permitted by right. Any fractional unit number shall be rounded to the next whole number. The affordable status of the unit(s) shall be set forth in a covenant, deed restriction or similar legal document running with the land for a period of not less than 20 years from the date of the first certificate of occupancy of the unit.

The following people spoke on this article:

- Jeremy Higa
Thomas Ferris
Pedro Pachano
Assistant Town Manager/Director of Planning & Development
- James Stark
Eileen Mooney
Andrew Blechman
- Malcolm Fick
Anne Alquist
- Christopher Rembold

Anne Alquist made a motion to change the time limit in the footnote from 20 years to **in perpetuity** and it was seconded by someone in the audience. The Moderator asked for a discussion on the amendment and there was none. The Moderator stated that the amendment Ms. Alquist made to the article would require a majority vote. He then asked for a vote on this amendment.

As the vote was being taken, Christopher Rembold addressed the Moderator and stated Point of order. Mr. Rembold asked the Moderator if the vote on the amendment was a majority vote or 2/3rds vote. Mr. Wise stated a majority vote was needed.

The Moderator proceeded to ask for a vote again on this amendment and asked the tellers to do a hand count.

AMENDMENT FAILED AT 9:34 PM
YES –63 NO – 103

Carol Diehl and Sharon Gregory both spoke on the original proposed article. Ms. Gregory made a motion to postpone this warrant article indefinitely and it was seconded by someone in the audience. The Moderator stated that this vote would require a majority vote and he asked the voters for a show of hands.

MOTION FAILED AT 9:36 PM

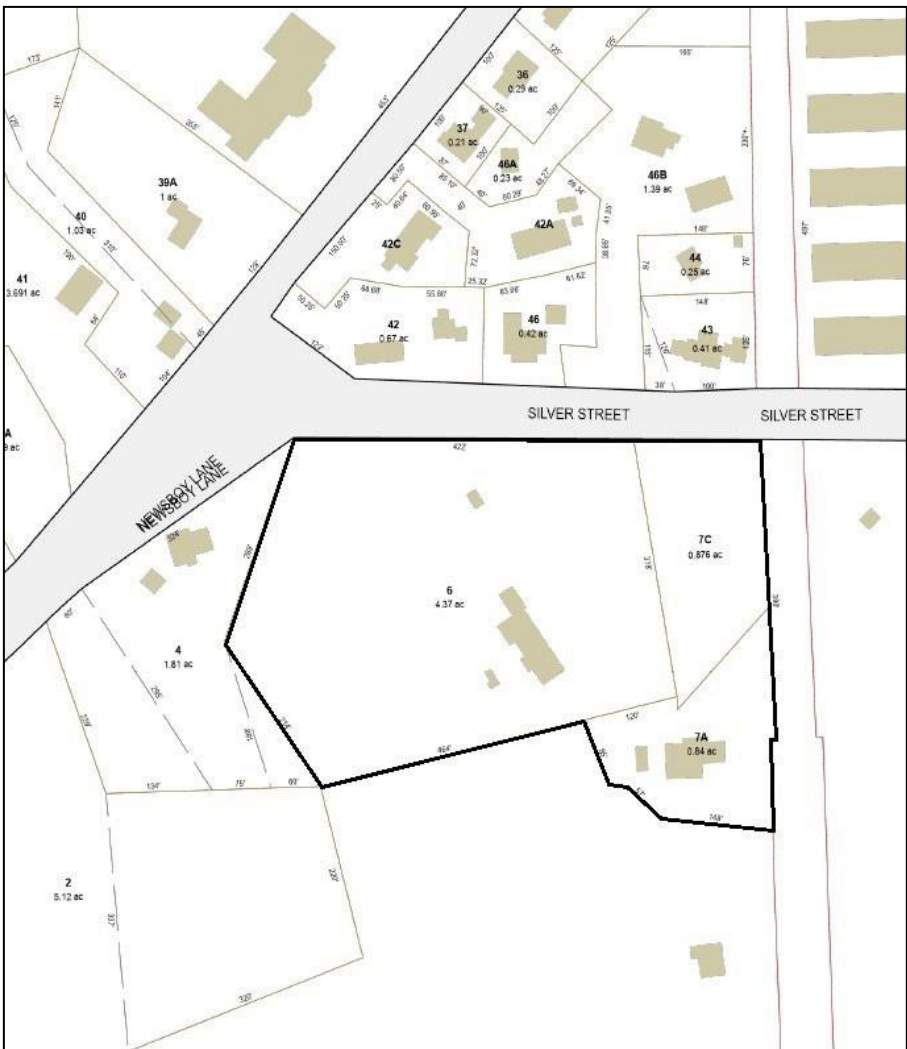
The Moderator then asked for a vote on the article as originally written in the warrant and he proceeded to ask the tellers to do a hand count. Mr. Wise stated that the vote required a 2/3 majority vote.

VOTED 2/3rds MAJORITY AT 9:41 PM
YES –108 NO – 52

ARTICLE 36: (2/3 majority)

On a motion by Pedro Pachano and seconded by Stephen Bannon, that the Town pass over Article 36.

Purpose of the amendments: This action is intended to rezone approximately 6 acres on Silver Street from R-2 to R- 1-A in order to allow additional housing to be created at this location.



The Moderator stated that a majority vote was needed to pass over this warrant article. He then asked for a vote on the pass over.

VOTED AT 9:42 PM

ARTICLE 37: (2/3 majority)

On a motion by Leigh Davis and seconded by someone in the audience, that the Town transfer to the Selectboard the care, custody and control of the following described land located adjacent to the Old Route 7 Path for the purpose of sale to the owner of the abutting property known as 434B Stockbridge Road for the sum of \$10,000, said land being that area located within the deed description for said 434B Stockbridge Road and lying outside the asphalt trail portion of the path as shown on a plan entitled “As-Built Survey Plan of Multi-Use Path And Tax Parcel #26-27-A prepared for Town of Great Barrington” by Foresight Land Services, dated July 14, 2022; and to authorize the Selectboard to execute a deed conveying the Town’s interest in such land and to take all actions necessary to accomplish such conveyance.

VOTED 2/3rds MAJORITY AT 9:44 PM

ARTICLE 38: (zoning by citizen petition)

We the undersigned residents of the Town of Great Barrington do hereby request a warrant to be on the agenda for the May 1st 2023 Annual Town Meeting to present the following motion for the following addition to the General Bylaws:

(Citizen’s Petition) To see if the Town will vote to add under the General Legislation / Zoning Section 9.3.16.5 Wireless Telecommunications Overlay District; to adopt a Wireless Telecommunications Facilities (WTFs) application requirement for completeness:

WTF applications, will be considered incomplete until the FCC completes the DC Circuit Court-mandated Environmental Review of the entire 800,000 to 1 million WTF roll out to the conditions as stated in the NEPA policy Act 1691 1 including studies from scientists independent from industry, who have fully investigated millimeter wave 5G small cell technology safety; and that the FCC regulations have been updated to include measures that comply with the results of this review; and, that the Town of Great Barrington shall consider reasonable alternatives such as fiber optic.

1 The FCC is required by the National Environmental Policy Act of 1969, among other things, to evaluate the effect of emissions from FCC-regulated transmitters on the quality of the human environment. On August 9, 2019, the D.C. Circuit Court of Appeals, in its Ruling in Case 18-1129, vacated FCC Order 18-30’s deregulation of small-cell Wireless Transmission Facilities(s) [sWTFs] and remanded this to the FCC. In Case 18-1129, the judges stated that “the FCC failed to justify its determination that it is not in the public interest to require review of [sWTF] deployments” and ruled that “the Order’s deregulation of [sWTFs] is arbitrary and capricious.” The FCC was mandated to do this review in two court rulings which are submitted into the record: one in 2019 in Case 18-1129, Keetoowah et al. v FCC; and another in 2021 in Case 20-1025, EHT/CHD v. FCC. To date the FCC has not complied.

<https://scientists4wiredtech.com/2019/08/federal-court-overturms-fcc-overturms-fcc-order-bypassingenvironmental-r> <https://www.fcc.gov/document/dc-circuit-decision-environmental-helath-trust-v-fcc>

Definition: Wireless Telecommunications Facilities means the plant, equipment and property including, but not limited to, cables, wires, conduits, ducts, pedestals, electronics, and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireless telecommunications service. October 1, 2019, the D.C. Circuit Court of Appeals in Case No, 18-1051, Mozilla et al. v. FCC, confirmed internet “Services” to be reclassified by the FCC as Title I, unregulated “Information Services”. At present, only wireline and wireless telephone and text transmissions are classified as Title II, regulated “Telecommunications Services”. Title I and Title II applications, therefor, need to be regulated differentially by local planning boards and commissions. Every new [wireless telecommunications facility (“WTF”)] must undergo NEPA review, and that WTF applications cannot be batched for such purpose.

A motion was made by Lori Deutsch, seconded by someone in the audience to see if the Town will vote to add under the General Legislation / Zoning Section 9.3.16.5 Wireless Telecommunications Overlay District; to adopt a Wireless Telecommunications Facilities (WTFs) application requirement for completeness.

The following people spoke on this article:

Lori Deutsch	Jan Wojcik	John Breasted
Susan Fine	Ardith Truhan	Randi Jordan
Daniel Seitz	Robin Zeamer	
Thomas Jordan	Adam Turner	

There was a motion made by James Manning and seconded by someone in the audience to call the question. The Moderator then asked for a vote.

VOTED AT 10:08 PM
Motion passed to call the question on the main motion

The Moderator then asked for a vote and stated it required a 2/3rds majority vote. The vote was too close so he asked the tellers to do a hand count.

VOTED 2/3rds MAJORITY AT 10:10 PM
YES- 115 NO- 42

ARTICLE 39: (by citizen petition)

A Citizen’s petition to amend the Short-Term Rental Bylaw as adopted under Article 25 at the June 6, 2022 Annual Town Meeting as follows:

Delete: strike through
Add: text in red

An owner shall not register or offer an rental unit subject to a long term lease as a Short-Term Rental, ~~nor shall a tenant offer his/her/their rental unit as a Short term Rental.~~ **A long term tenant, for whom it is a primary residence, may, if allowed by the property owner, do short-Term Rental subject to the same rules and regulations as a resident owner.**

On a motion by Jonathan Hankin and seconded by someone in the audience, to amend a portion of the short term rental bylaw as written in the article.

The following people spoke on this article:

Jonathan Hankin	Elizabeth Chambers	James Manning
Sharon Gregory	Jeremy Higa	Garfield Reed
Leigh Davis	Benjamin Elliott	Jennifer Clark
Pedro Pachano	Leora Kahn	Malcolm Fick

The Moderator stated that this article needed a majority vote and he asked the tellers to do a hand count.

VOTED AT 10:27 PM
YES- 78 NO- 76

ARTICLE 40: (by citizen petition)

A citizen’s petition to amend the Short-Term Rental Bylaw—adopted under Article 25 at the

June 6, 2022, Annual Town Meeting—by adding a new section following the section of the bylaw titled “Inspection”, as follows:

Monitoring Short-Term Rentals

The Town of Great Barrington may not hire, contract with, or otherwise engage the services of a private company, firm, individual or other entity to monitor the use of homes/dwellings that may be being used as short-term rentals in order to ascertain compliance with the short-term rental bylaw; this includes, but is not limited to, entities that provide a system that encourages and directs neighbors to report on each other regarding the use of their homes/dwellings, and that gathers data on the use of homes/dwellings to provide to the Town of Great Barrington.

On a motion by Daniel Seitz and seconded by someone in the audience, to add a new section to the Short Term Rental Bylaw titled Inspection and written as presented in the warrant article.

Daniel Seitz and Erica Mielke spoke on this article.

Ms. Mielke made a motion to call the question and it was seconded by someone in the audience. The Moderator stated that it required a 2/3rds majority vote and he asked for a vote.

VOTED 2/3rds MAJORITY AT 10:31 PM
Motion passed to move the question on the main motion

Mr. Wise then asked for a vote on the article as presented.

MOTION FAILED AT 10:32 PM

ARTICLE 41: (by citizen petition)

A citizen’s petition to amend the Short-Term Rental Bylaw—as adopted under Article 25 at the June 6, 2022, Annual Town Meeting—by deleting the second and third paragraphs under the section “Regulations”, as indicated by a strike- thought:

Regulations:

No dwelling unit or part thereof may be offered as a Short-Term Rental within the Town of Great Barrington unless it is registered annually with the Town through an application process approved by the Selectboard and in accordance with this Chapter, and registered with the Commonwealth of Massachusetts Department of Revenue in accordance with applicable laws.

~~An Owner may register to operate only one dwelling unit as a Short Term Rental. If a person owns two properties, or owns one and is listed as a manager or agent for a second that is owned by an LLC, for example, that person must choose one or the other to be registered as a Short term Rental. No person shall have more than one legal or equitable title or beneficial interest in any dwelling unit used for a Short Term Rental except as provided for above. An Owner may hire a property management company to list and manage Short Term Rentals, but the registration must be in the Owner’s name.~~

~~Up to Two bedrooms in a dwelling unit or an entire secondary unit on the same parcel may be registered and rented as a Short Term Rental by right. The registered Short Term Rental may be rented for an unlimited number of days per year, provided that the Owner is residing in one of the dwelling units on premises at the time of the rental. In cases where the Owner is not residing on premises at the time of the rental, no unit or portion there of may be rented more than 150 days per year.~~

Short-Term Rentals are prohibited in dwelling units owned by a corporation. Short-Term Rentals are permitted in dwelling units owned by an LLC or Trust only when every shareholder, partner or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration.

Short-Term rentals are prohibited in dwellings units designated as affordable or otherwise income-restricted, which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law.

An Owner shall not register or offer a rental unit subject to a long term lease as a Short-Term Rental, nor shall a tenant offer his/her/their rental unit as a Short-Term Rental.

On a motion by Daniel Seitz and seconded by someone in the audience, to delete the second and third paragraphs under the section “Regulations” in the Short Term Rental Bylaw as written in the warrant article.

The following people spoke on this article:

Daniel Seitz Mary Atchinson Sharon Gregory

Christopher Schaefer made a motion to move the question and it was seconded by someone in the audience. The Moderator stated that it required a 2/3rds majority vote and he asked for a vote.

VOTED 2/3rds MAJORITY AT 10:37 PM
Motion passed to move the question on the main motion

The Moderator then asked for a vote on the article.

ARTICLE FAILED AT 10:38 PM

ARTICLE 42: (by citizen petition)

The citizens of Housatonic and Great Barrington petition the town of Great Barrington to purchase own and operate the Housatonic Water company.

On a motion by William Nappo and seconded by someone in the audience, that the town purchase and operate the Housatonic Water Company.

The Moderator stated that Town Counsel has confirmed that this article is advisory only.

William Nappo and Carol Diehl spoke on this article.

Ms. Diehl made a motion and it was seconded by someone in the audience, to propose an amendment to the article to state: The citizens of Housatonic and Great Barrington petition the Town of Great Barrington to act immediately to acquire, own and operate the Housatonic Water Company.

The Moderator then asked for a vote on the amendment.

AMENDMENT VOTED 10:48 PM

The following people spoke on the article/amendment:

Maura Perry Eugene Warford Kevin Regan Anne Alquist James Stark

The Moderator then asked for a vote on the main motion as amended.

VOTED AT 10:49 PM

Motion to adjourn by someone in the audience and seconded by someone in the audience. .

MEETING ADJOURNED AT 10:49 PM

Respectfully submitted,

Jennifer L. Messina
Town Clerk

Total Registered Voters: 4,960
Total Voters: 288 (5.8%)