

## PLANNING BOARD

DATE: March 7, 2019

TIME: 7:00 P.M.

PLACE: Large Meeting Room

FOR: Public Hearing

PRESENT: Brandee Nelson, Jonathan Hankin, Jeremy Higa, Pedro Pachano  
Malcolm Fick via phone  
Garfield Reed, Associate Member  
Chris Rembold, Town Planner

Ms. Nelson called the meeting to order at 6:03 P.M.

### **MINUTES: FEBRUARY 28, 2019**

Mr. Hankin made a motion to approve the minutes of February 28 as amended, Mr. Pachano seconded.

Mr. Pachano                aye

Mr. Higa                    aye

Mr. Fick                    aye

Mr. Hankin                aye

Ms. Nelson                aye

Ms. Nelson read the public hearing notice into the record. The notice was published in the Berkshire Record on February 22 and March 1, 2019. The notices were sent to the nine towns abutting Great Barrington.

Ms. Nelson announced that the meeting was being recorded.

Mr. Hankin made a motion to open the public hearing, Mr. Higa seconded.

Mr. Pachano                aye

Mr. Higa                    aye

Mr. Fick                    aye

Mr. Hankin                aye

Ms. Nelson                aye

The public hearing was opened at 6:05 P.M

Mr. Rembold provided a handout, *Public Hearing Proposed Zoning Amendments Planning Board March 7, 2019*. The handout was provided to assist following the slide presentation.

Mr. Rembold read the Goal Strategies of the Master Plan and the Purposes of this year's proposals. He started the presentation going through the amended portion(s) of 9.2 regarding non-conforming uses in the Water Quality Protection District. He explained the change in

language that does not require a special permit for a pre-existing non-conforming use in the WQPD as long as the applicant follows 9.2.11.

Claudia Shapiro from Egremont Plain Road asked what it means that a special permit would not be required.

Mr. Rembold replied that a legally pre-existing non-conforming use would not be required to get a special permit when the applicant is in compliance with 9.2.11. The language is specific to the upgrading of fuel tanks. He said there are two uses that the amendment addresses; specifically it clarifies removing gas/fuel tanks.

Ms. Nelson said there is no change to the uses.

Michele Loubert, 70 Division Street, said the slides are very helpful. She asked if the slide presentation would be available on the website.

Mr. Rembold said he would make it available on the website.

Ed Abrahams, 15 Pleasant Street, said he will be making some comments as a member of the Selectboard on behalf of the Selectboard. He said he will make other comments as a citizen. He said this comment is being made as a citizen. He said there is no oversight by the Fire Department for the removal and installation of fuel tanks. Mr. Abrahams said a special permit should be required so there is oversight. He asked whether an underground fuel tank is the safest place and if it is why all tanks are not installed in ground. If in ground is not the safest place for fuel tanks then should they all be above ground.

Ms. Loubert made the Chair aware that she is recording the meeting.

Holly Hamer, 99 Seekonk Cross Road, said she doesn't see the amendment as clarification but as interpretation. She said every precaution should be taken to protect the WQPD.

Ms. Nelson asked if there are any comments from the Board.

Mr. Hankin said the WQPD language was provided by the State. The State encouraged the Town to adopt the language. He said there are many uses in the WQPD that require special permits. When there is an attempt to protect ground water we didn't want to require applicants to jump hurdles to get the work done.

There were no other comments. Mr. Rembold moved on to proposed amendments to Section 3 regarding uses in the Downtown Business District.

Mr. Rembold said the Village Center Overlay District was put in place in 2009. He said the underlying regulation that the VCOD intended to clarify was never changed. He said the intention of this amendment is to update the uses to comply with the VCOD.

Ms. Nelson said there are 7 specific uses as shown on page 2 of the handout that would be amended in Section 3.1.4 of the Table of Use Regulations. She asked if there are any comments from the audience. There were none. She asked if there were any comments from the Board. There were none.

Mr. Rembold said that in Section 3.2.2 there is a change in language to clarify accessory dwelling units. He referred to page 5 of the handout while going through the slides presentation.

Mr. Rembold said that an ADU could be located in the primary building on the lot or in an accessory building on the lot, such as a garage or barn.

Ms. Nelson asked if there were any comments from the public.

John McGruer from Grove Street asked if an ADU could be an addition.

Mr. Rembold said an addition could be an ADU. An ADU is determined by its size.

Diego Guitierrez 123 Front Street in Housatonic said an ADU has a separate entrance, cooking and sleeping area. An ADU is an independent unit.

Glen Goble from 32 Russell Street asked if the building must exist or can an ADU be in a newly constructed building

Mr. Rembold said it could be in a newly constructed building.

Ms. Hamer said there are other items proposed that may pertain to this topic but this proposal might be by itself.

Mr. Rembold said he is trying to group the amendments according to the purpose of being proposed. This language is intended for clarification.

Mr. Abrahams commented on behalf of the Selectboard that there is way too much being proposed. He said this will be confusing for the Town Meeting.

Ms. Nelson asked if there were any other comments from the public. There were none. Ms. Nelson asked if there were any comments from the Board. There were none.

Mr. Rembold moved agenda item #4 proposed amendments to Section 9.5 regarding the Design Advisory Committee. He referred to pages 8 and 9 of the handout.

Mr. Rembold said the DAC was created about 20 years ago. He said the DAC reviews nearly every sign and/or structural changes in the downtown district. He said the membership of the Committee was set and specific in the bylaw. He said the suggested amendments were made at the direction of the DAC, the Planning Board and the Selectboard.

Mr. Rembold said the changes to 9.5.6 would include a set time frame in which the DAC must comment on an application. The DAC would have 30 days to comment. If no comment is made the applicant moves forward.

Mr. Rembold said there would be a change in the number of members on the Committee. Currently there are 7 members. The Committee has struggled with getting a quorum for meetings so the proposal is to change the membership of the Committee from 7 to 5 members.

Mr. Rembold said the DAC has recommended a change to the language shown on page 8 of the handout. The underlined lines in the first paragraph would be removed.

Eileen Mooney from Housatonic said that paragraph is not clarified.

Mr. Pachano said the underlined language was added to limit the scope of the DAC.

Mr. Hankin said the Historic District Commission has teeth when they review and approve applications. The DAC is an advisory committee. When applicants go to the DAC they have already gone to the HDC. Any recommendations from the DAC, which the applicant might want to incorporate, would require another review by HDC. The language was proposed to make the process easier for the applicant. After some discussion resulting in the DAC being considered an important voice in downtown alterations, it was determined to change the DAC application so the applicant would go to the DAC prior to going to the HDC.

Ms. Nelson asked if there were any other comments. There were none.

Mr. Rembold referred to page 6 of the handout for discussion of Section 9.4, Downtown Mixed-Use B3 District. Mr. Rembold said the B3 zone consists of the former New England Log Homes Site at 100 Bridge Street, the Dolby property at the end of Humphrey Street, the Searles School on Bridge Street as well as other properties on School and Church Street.

Mr. Rembold said 15-20 years ago zoning was written to reflect realities at the time. The zone requires 5,000 square feet of land per dwelling unit. That land requirement is not possible for multi-unit developments therefore, the proposed language reduces the land requirement to 2,500 square feet per dwelling unit.

Mr. Rembold said the goal is to redevelop sites like those in the downtown area that are served by town water and sewer. Parking requirements are also proposed to be reduced to make development more feasible.

Mr. Abrahams commented as a citizen that the changes makes the B3 zone more like the MXD zone.

Mr. Rembold said he thinks of it differently.

Mr. Abrahams asked if someone could buy three properties on Church Street to combine them and put up multiple units.

Mr. Rembold said he didn't think the change would allow for huge changes.

Ms. Nelson asked if there were any comments from the Board. There were none.

Mr. Rembold referred to page 7 of the handout. He said the change is in 9.4.

Ms. Nelson said the change addresses the quantity of non-residential street level space.

Mrs. Mooney asked if the change will impact the Manville Street development.

Mr. Rembold said that development would not be impacted because they have a special permit.

Ms. Hamer asked if the language is proposed because of the Manville Street project.

Ms. Nelson said there had been previous discussions regarding the square footage. We took comment and attempted to be flexible. We received more feedback so now we are proposing the new language with the revised square footage.

Ivan Kruh from Manville Street asked why the Board decided on 25%.

Ms. Nelson said we are trying to keep with what exists.

Mr. McGruer asked what the percentage is on Manville Street.

Ms. Nelson said this change is not intended to be specific to one project but to be applied to all zones across the Town.

Mr. Rembold said if Manville Street applied under this language it would not be considered mixed use.

Ms. Nelson asked if there were any comments from the Board. There were none.

Mr. Rembold referred to pages 9-10 of the handout for discussion of the Stockbridge Road Corridor and B2 zone regulations. He said the B2 zone goes from Belcher Square to Route 183 on Stockbridge Road and from Route 7 at Maple Avenue south to the Senior Center. He said as part of the updating for the zone the question was asked whether a retail zone was needed at the expense of residential and mixed use. It was decided that growth along Stockbridge Road was important as well as beautifying the corridor with street trees where possible and moving parking from the front to the side or the rear.

Mr. Rembold said there is an I zone on Stockbridge Road as well but there are no industrial uses. He said there are a couple of quasi-industrial uses on Crissey Road. He said rather than lose those businesses they would be brought into the B2 zone and allowed by special permit.

Mr. Rembold said the B2 zone was written to favor commercial uses. At this point it is not what we want to see nor is it what exists. The zoning change would allow residential uses to play by the same rules as the commercial uses in the area. The Planning Board is proposing the zoning change for Stockbridge Road and for South Main Street. In addition, the ridge along the east side of Stockbridge Road is currently in the B2 zone. The proposal would put the ridge in the R2 zone.

Ms. Nelson asked if there were comments from the public.

Mr. Gutierrez asked will there be specific types of work allowed in the live/work space.

Mr. Pachano read the language proposed.

Ms. Hamer said she is in favor of trees being planted. She said she is confused by the box at the bottom of page 9.

Mr. Rembold said any lot would have minimum lot area of 5,000 square feet.

Ms. Hamer said it looks like a three and a half story building would be allowed. She said that is huge. Three and a half story building is what is on Main Street. She said she didn't like the hotel after the third story was added.

Ms. Nelson asked if the Board had any comments. There were none.

Mr. Rembold referred to pages 3, 5 and 6 of the handout to discuss housing. He said housing is mismatched. Large single family houses in Town were mostly built before 1939. Half of the owners pay 30% or more of their income for their mortgage and taxes resulting in cost burden. A large percentage of renters also pay more than 30% of their income for rent.

Mr. Rembold went through the slide presentation to discuss the amendment further. The amendment includes changing the special permit granting authority from the Selectboard to the Planning Board for residential uses, density, setbacks, two-family, multi-family and accessory residential uses, tiny houses.

Mr. Rembold pauses to first allow discussion of rear yard setbacks.

Ms. Hamer said if the objective is to promote density why reduce the setbacks in the area where people's view and their relationship to their neighbors will be impacted. She said the proposal is arbitrary. She said all of these proposals should not be done at the same time. She said this is too much too fast. Ms. Hamer said the amendments are not taking into consideration individuals.

Mr. Goble said why not reduce the front yard setback. Small front yards are more in keeping with the character of the district.

Ms. Loubert said she is in support of Ms. Hamer's comments. She said diminishing the property of other people to allow people to build on top of each other is too much.

A member of the public asked if there is any incentive for a developer to provide affordability.

Mr. Gutierrez said he grew up in a dense neighborhood. Houses were built closer to the street with larger back yards. He suggested reducing the front yard setback instead of the rear setback. He said a smaller back yard takes away traditional back yard activities. He suggested that the Board rethink reducing the rear yard setback.

There was discussion of ADUs.

Mr. McGruer asked what types of permits would be required to build an ADU. Will there be a special permit required. He said requiring a special permit is about the protections for neighbors. He asked if ADUs would be subject to setbacks.



Mr. Rembold said yes.

Mr. Fick said he understands Ms. Hamer and Mr. McGruer's concerns. He said on a narrow lot a building might be better accommodated with the setback changes.

Mr. Rembold discussed the language for Buildable area. He presented diagrams to better explain how the buildable area compares to lot coverage.

Ms. Nelson said the proposed footnote would be to have the setbacks dictate what size building can be built.

Mr. Abrahams said the loosening of restrictions would allow more housing units and ADUs.

Mr. Gutierrez said he thinks this is a step in the right direction. He said the steps to encourage multiple units should provide incentives like a reduction in real estate taxes.

Mr. McGruer said there is nothing to accommodate the number of cars that would be involved with more units.

Ms. Nelson asked if the Board had any comments.

Mr. Hankin said he had looked at a vacant parcel on Dresser Avenue that is on the market for \$99,000. He has been told that the lot is under contract to a contractor who intends to build a two family.

Mr. Pachano said we are trying to create more flexibility for housing.

Mr. Rembold said there is also a proposal to change the SPGA for residential uses from the Selectboard to the Planning Board. He said the Planning Board said an applicant could be required to have to get two special permits. Having the Planning Board as the SPGA could promote the goals and strategies as discussed at the start of the presentation.

Ms. Loubert read a statement in support of the Selectboard as the SPGA. A copy of the statement was provided to the Board for the record.

Mr. Abrahams on behalf of the Selectboard said the Selectboard is against the change for similar reasons outlined by Ms. Loubert.



Ms. Shapiro said last year the Planning Board had zoning passed that would allow up to 10,000 square feet for marijuana cultivation in the R-2 and R-4 zones.

Ms. Nelson said this discussion is specific to residential uses.

Ms. Shapiro said she is against "this Board" being in charge of the residential zones. She said she is dead set against the Planning Board being SPGA for residential uses.

Ms. Hamer said she agrees with what has been said. She said she looked at other towns to see if they do things differently. She said thinks the Selectboard is better able to handle the heat with the hot button topics. She said she does not support changing the SPGA.

Ms. Shapiro said the amendments go through all the zones in Great Barrington. There are a lot of changes proposed.

Ms. Nelson said the Board struggles to find tools to allow everyone to be able to live in Great Barrington. She said we are trying to be equitable.

Ms. Loubert said she too has a right to live in the community and to have a right to enjoy my property. She said she feels that right is under threat. She agreed with all of the comments. She said she thinks the Town Meeting will be a long meeting and very contentious.

Mr. Goble said he is concerned with changing the character of the neighborhoods. He said he is concerned the proposals enable the quickening of the pace of change.

Mr. Hankin said it can be very expensive for someone to have to go to two boards in order to make changes to their property.

Ms. Nelson asked if there were any other comments. There were none.

Mr. Rembold discussed two family houses on page 3 of the handout.

Ms. Nelson asked if there were any comments from the public.

Mr. Abrahams commented as a citizen that he thinks requiring 1 parking space per unit makes sense and he thinks it should be up to the property owner.

Ms. Nelson asked if there were any comments from the Board.

Mr. Pachano said the minimum parking requirement is what has been proposed. It is not intended to prevent more spaces from being built if that is what the owner wants.

Mr. Fick said a two-family house would have a minimum of three parking spaces.

There were no other comments.

Mr. Rembold discussed the amendment for Multi-Family Housing found on pages 3-5 of the hand out.

Mr. Rembold said per 8.3.1 would allow residential developments of 3 or more units to be permitted by-right or by special permit. He said 2,500 square feet of lot area would be required per unit.

Mr. Rembold paused for comments.

Ms. Hamer stated if all of this amendment is presented as one article she likes some of it but some of it she doesn't like. She said she disagrees with #2 that deals with permeable space. She said she doesn't understand why you would drop the amount of permeable area without an explanation.

Mr. Abrahams spoke on behalf of the Selectboard who does not like #2 either or the Planning Board as the SPGA in #1.

Ms. Nelson asked if the Board has any comments. There were none.

Mr. Rembold referred to Accessory Structures on page 5 of the handout.

Mr. Rembold said smaller housing units would be allowed the question is how many would be allowed on a lot and how big they can be. He said Tiny Houses could be considered as ADUs providing they comply with requirements listed in the amendment including connecting to utilities and concealing the chassis.

Ms. Nelson pointed out the definition of Tiny Houses that has been proposed.

Ms. Nelson asked if there were comments from the public.

Mr. Gutierrez said two ADUs should be the maximum allowed.

Mr. McGruer said it would helpful to have examples of how they will look. He asked again how an ADU is different.

Ms. Nelson said an ADU is a self- contained living unit with a separate entrance, kitchen and bathroom that is a specific size.

Ms. Mooney said 2 ADUs could be put within the setback.

Mr. Rembold said the language needs to be corrected. No ADU can be in the setbacks.

Mr. McGruer said there is no requirement for a principal owner to live on the premises.

Mr. Rembold said the owner requirement would be deleted.

Mr. Abrahams commented as a citizen that with the changes neighbors could be looking at a 25 foot high building with a 10 foot setback.

Mr. Rembold said that in certain zones it currently exists.

Ms. Nelson asked if Mr. Abrahams is concerned about the height or the setback.

Mr. Abrahams replied both.

Mrs. Mooney but the change will allow it in other zones.

Mr. McGruer asked what protection there will be for the neighbors. He said outside of requiring a special permit how will abutters know what is happening next to them.

Mr. Rembold said Site Plan Review does not have abutter notification.

Mr. McGruer said the effort to take care of the housing problems is falling into the densest areas. He said it feels like we are under assault. He said he is concerned about not having the option of an open dialogue without a special permit.

Ms. Nelson asked if Mr. McGruer is requesting a notification process.

Mr. McGruer said yes that is what I would want to have a notification process.

Ms. Hamer said this part of the amendment and the last one discussed are attempts to create more housing. She said the risk is that people will be able to use their houses in a commercial way.

She asked if the Board is encouraging density and encouraging larger build outs without deed restrictions. She said the nature of the neighborhoods would be changed with these proposals.

Ms. Nelson asked if the Board has any comments.

Mr. Fick said some people need to add another unit in order to stay in their houses.

Mr. Rembold referred to page 7 of the handout to discuss Marijuana Establishments. Mr. Rembold said the amendment would allow processing of marijuana at cultivation establishments. Cultivation is allowed by special permit. For reasons of security and economy it would be better to have at the same site.

Ms. Loubert read a statement opposing the amendment. She provided a copy of the statement for the record.

Ms. Shapiro said marijuana smells and it is a gateway drug. She said the Town is sending the wrong message.

Mr. Abrahams as a citizen said it doesn't make sense to allow processing in the R-2 and R-4 zones when no other types of processing would be allowed. This is too much for the residential zones. He restated that there is too much to be presented to the Town Meeting; we will be there all night.

Ms. Hamer said allowing processing in low density areas changes the neighborhood.

Ms. Loubert said to look at VanDeusenville Road. It is a disaster. Take a look at it to see where progress has gotten us. She said she will hold the Planning Board accountable for these changes.

Ms. Nelson asked if the Board had any comments. There were none.

Mr. Hankin made a motion to continue the public hearing to March 14 at 7:00 at the Town Hall, Mr. Pachano seconded.

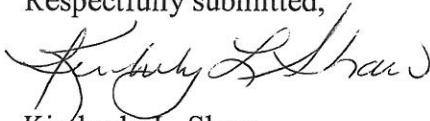
Mr. Higa	aye
Mr. Pachano	aye
Mr. Hankin	aye
Mr. Fick	aye
Ms. Nelson	aye

#### **CITIZEN'S SPEAK TIME:**

No one spoke.

Having concluded their business, Ms. Nelson adjourned without objection at 8:54 P.M.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Kimberly L. Shaw".

Kimberly L. Shaw

Planning Board Secretary

ATTACHMENTS :





TO Recorder  
Planning  
Board  
as requested.

Good evening:

Tonight, I wish to express:

- (1) a serious concern
- (2) a statement of support with comment and
- (3) a bylaw change that is causing me, and others, great distress.

**#1 The Serious Concern:** (page two of the proposed bylaw changes; Amend Section 4.1.2). **Reduction of setbacks.** It has been stated at various meetings that one of the purposes of such a proposed change is to allow for the opportunity of more housing in our community.

This is a good reason but should not happen at the expense of diminishing the enjoyment of home ownership of those who already have homes. In brief, two wrongs don't make a right. Reducing setbacks will lead to an increase in housing density and the reduction of privacy and enjoyment of one's property. This, in my opinion, will lead to loss of pride in homeownership as well as diminishing our sense of community. When addressing housing, please avoid a "pack them in" approach.

**#2 A Statement of Support with Comment:** (page 3). **Special Permit Granting Authority.** ~~It is the first to note that there are times that I and our Select Board do not see eye to eye. However,~~ overall, when carefully reviewing permits, I find the Select Board open and transparent in their thoughts and reasoning. This is supported by the taping of Select Board meetings as well as the welcoming and respectful environment that exists when receiving public comment. Also, being very accessible to the public, the Select Board has an ear to public thought on a wide range of town issues. In short, our Select Board, when addressing a particular issue, brings to the table a global perspective; I often sense the question being asked: **what will be the reaction to this action?** The Planning Board is hardworking and knowledgeable. However, I feel this Board takes a more defined, pointed approach to the issues before them but it is important to look at the bigger picture. With the Select Board as the Special Permit Granting Authority, the process is an excellent combination of the skills of both boards as well as a system of checks and balances. For these reasons, **I strongly support that the Select Board continue as the Special Permit Granting Authority.**

**#3 The proposed bylaw change which is the source of great distress:** (Marijuana establishments; amend 7.18.4, page 7). **Marijuana Cultivation and Manufacturing.** When I voted "yes" to the decriminalization of marijuana, I never expected what the fallout of this vote would be. I did not want someone to go to jail for smoking a joint, but I never thought I would see multiple retail marijuana shops in this small town. But, here we are. Now, it appears the Planning Board is prepared to support the cultivation and manufacturing of marijuana in R2 and R4 zones—**RESIDENTIAL ZONES.**

I happen to live in an R2 zone. Behind my house which is my family's homestead, is acreage which abuts an industrial zone. This particular real estate has been listed by various local real estate agencies. It's beautiful acreage with lovely mountain views. But with this bylaw change, what could happen to this open space scares me. You see, my husband and I look forward to remodeling the homestead and some day, enjoying our property with maybe....just maybe....grandchildren running around in the same yard I played in as a child. In the end, perhaps passing the house on to my daughter and her family. A true commitment to our community.

This being said, the last thing I want to see is marijuana cultivation and manufacturing in my backyard.



From time to time, I've heard the comment, "well, you could have a smelly farm behind your house."

But if you are familiar with this community, you would know that the area where I grew up was surrounded by farms. . A traffic jam on Division Street was two tractors passing each other. It was a common occurrence in my childhood to wake up with several cows in our backyard, my father chasing them out of his vegetable garden. My husband grew up on his grandfather's Michigan dairy farm. So, the "smelly farm" argument is wasted on us.

**But here are some points to consider:**

- **New York Times, December 19, 2018: Headline: DEAD SKUNK STENCH FROM MARIJUANA FARMS OUTRAGES CALIFORNIANS.** The article mentions how some residents must wear respirators when outside for long periods of time due to the stench from marijuana farms.
- **The Spokane Review, December 11, 2016: Headline: MARIJUANA FARM ODOR HURTS NEIGHBOR'S PROPERTY VALUE NEAR CHENEY.**

*And remember, smell travels. Even if marijuana cultivation isn't in your neighborhood, it's "essence" will travel well beyond its location.*

- **And in INC., April 20, 2016, a headline reads, THE MARIJUANA BUSINESS IS REALLY THE REAL ESTATE BUSINESS:** Selling weed seems like a cash cow, but the real money these days is in the real estate....."

I've just begun my research on this topic but will continue it in preparation of annual town meeting. This research will also include how lighting, noise, traffic and more will impact residential neighborhoods such as those in our R2 and R4 zones.

**My personal observation is this:** it seems to me that a lot of people are making a lot of money through the marijuana industry—from those investing in retail shops, to real estate agents, to large property owners. But as my Dad use to say, there is no such thing as easy money. In this instance, there will be collateral damage—disruption to neighborhoods, property values, town image, and sense of community.

**Our Master Plan states:** "our vision for Great Barrington is that our small town continues its vibrant combination of rural landscapes and urban infrastructure. The **BALANCE** between these two features, a legacy of our Town's agricultural origins and its industrialized history, serves our civic, cultural, economic and social needs. Great Barrington **THRIVES** because of this legacy, and maintaining this balance will be the foundation of our Town's tomorrow."

**And, as if speaking to you, our Planning Board, the Master Plan also states, "this special balance defines our character, and must be given our consideration in ALL FUTURE DECISIONS."**

Thank you.

Michelle Loubert  
413-854-8185

*Michelle Loubert*

## Public Hearing

### Proposed Zoning Amendments

Planning Board  
March 7, 2019

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### Goals and strategies of the Master Plan

- Town Wide:
  - Facilitate improvement of existing structures, redevelopment of previously built sites, and redevelop sites where infrastructure already exists
- Downtown:
  - Redevelop dilapidated buildings, promote mixed uses, shared parking, and a variety of employment and housing options
- Commercial corridors:
  - Redevelop dilapidated buildings, provide for a thriving corridor, improve safety and aesthetics, add street trees and calm traffic
- Gateways:
  - Preserve views and natural landscapes in these areas which are the first and last impressions of town
- Neighborhoods:
  - Provide for a variety of housing types including smaller homes, apartments, and ADUs, and, protect historic character

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### Purposes of this year's proposals:

1. Clarify and clean up certain portions of the bylaw, including ADU definitions, and ensure that design advisory process is clear and efficient
2. Update the B-3 zone, promote mixed use development, and clarify definition and allowed density of mixed use
3. Update and correct the outdated B-2 zoning on Route 7 north and south of town
4. Allow for a diversity of housing types, to increase housing opportunities
5. Update marijuana establishment regulations to allow cultivation and processing to co-locate

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### Purpose 1: Amendments to Clarify the Bylaw

*Water Quality Protection District:* clarifies that changes to nonconforming uses allowed in section 9.2.11 do not also have to have a special permit per 9.2.12 (page 1 of handout)

*Downtown B District:* to update the B zone uses, and to ensure appropriate uses are either allowed by right, by special permit, or not allowed (page 1 of handout)

*ADU definition:* Clarify that an accessory dwelling unit can be in an accessory building (such as above a barn or garage) or in the same building as the primary unit (page 6 of handout)

*Design Advisory Committee:* sets a constructive approval provision requiring the DAC to provide a review within 30 days, and, reduces membership of committee from 7 to 5 members, to ensure quorum can be reached. (Retains DAC review of structural changes and signs) (page 6 of handout)

### Purpose 2: Promote and define mixed use

(pages 6 - 7 of handout) (agenda items 3 and 5)

*B-3 zone:* amends the lot area requirement per dwelling unit and the parking requirements to reflect current realities of construction costs and to foster project feasibility

*Mixed use:* amendments will ensure that a mixed use development has a minimum percentage of nonresidential space

### Purpose 3: Revise the outdated zoning on Route 7 north and south of town

(pages 9 - 11 of handout)

- Add more use flexibility (such as mixed use) and options for Route 7 corridor
- Retain retail and commercial uses, allow for light industry where appropriate
- Bring residential properties into conformance (encourage investment)
- Reduce confusion caused when lots are split by zoning district lines
- Increase tax base and maintain commercial viability, but attend to quality of life of adjacent residential areas
- Ensure that zoning in areas with existing infrastructure, where growth can and should occur, can accommodate the evolving economy and changing housing demands

### Existing conditions on Route 7 / Stockbridge Rd

- Per memo presented to Planning Board on 12/13/18
- Uses include retail, residential, lodging, commercial of various kinds, open land, mixed-uses
- Frontage varies widely
- Median front setback is about 30 feet (in current B-2, 50' is required for residential uses)
- 14 of the 15 residential parcels are nonconforming in terms of frontage, yard, and/or lot area
- Very few "industrial" uses (purple on map at right)
- Note: adjacent residential neighborhoods




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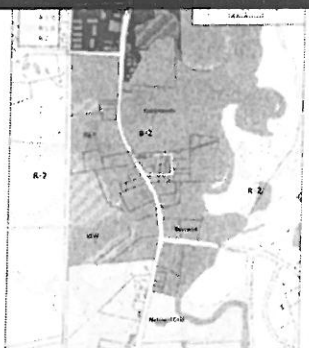
### Existing conditions on Route 7 / South Main

- Uses include retail and various commercial, residential (single family and multifamily), nonprofit/institutional, and open land
- All of the residential parcels on Reed Street are nonconforming:

Required lot size: 0.5 acre  
Actual median lot size: 0.25 acre

Required frontage: 150 feet  
Actual median frontage: 80 feet

Required front yard: 50 ft  
Actual median front yard: 30 ft




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### Summary of changes for Route 7 north and south

#### Amend the B-2 zone uses:

- Allow multifamily up to 8 units by right
  - Retain special permit requirement for 9 units or more
- Allow live/work and mixed use by right
- Allow light manufacturing by special permit

#### Amend the B-2 zone dimensional requirements:

- All uses, whether commercial or residential, would follow same lot size and dimensional rules:
- 5,000 sf lot, 50 feet of frontage, 25 feet of front setback

#### And

- All activities under site plan review must add trees
- For new or replacement buildings, no parking in front of the building

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### Summary of changes for Route 7 north and south

And

- Amend the zoning map on Stockbridge Rd as follows

Existing map



Proposed map



**Purpose 4: Allow for a diversity of housing types, to increase housing opportunities**

(see pages 2 - 6 of handout)

Proposed amendments to:

- rear yard setbacks
- buildable lot area
- ADU size, number, and location
- tiny houses

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**Why allow for a diversity of housing types?**

*Our population is changing:*

- more seniors
- more people living alone
- incomes are not keeping up with housing costs

*But our housing stock has not adapted:*

- average household size is declining
- less than 25% of units in GB are in multifamily buildings
- more than 50% of units were built before 1939
- more than 50% of owners are "cost burdened"
- more than 30% of renters are "cost burdened"
- 50% of households have just one vehicle

Source: U.S. Census Bureau, 2012-2017 American Community Survey 5-Year Estimates

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**How can we allow for a diversity of housing types?**

1. Revise rear yard setbacks (page 2 of handout)

Case study of  
26 Dresser Ave.




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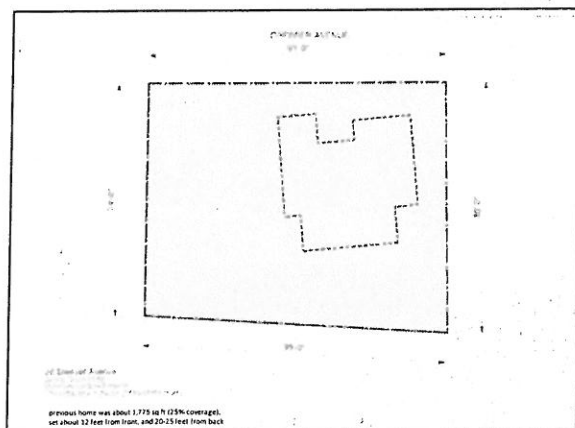
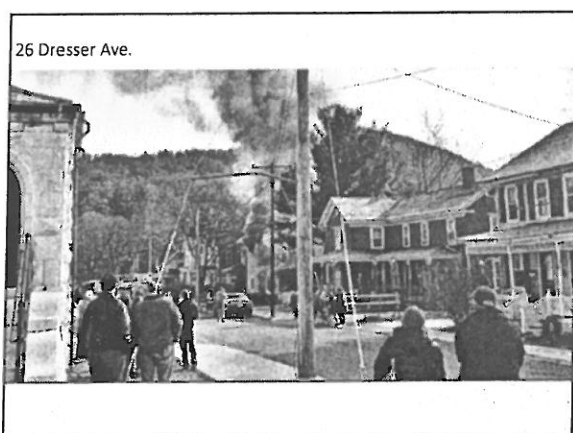
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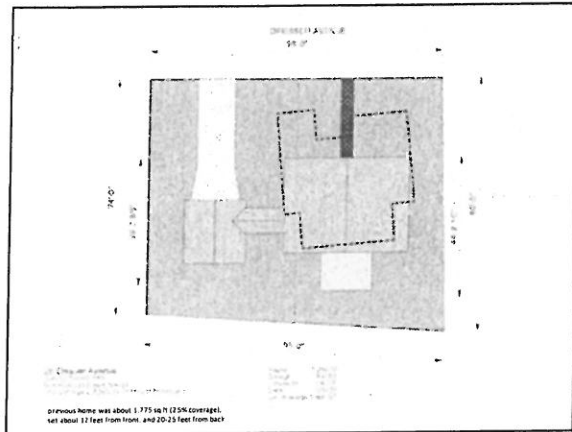
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*How can we allow for a diversity of housing types?*

2. Revise buildable area requirements (page 3 of handout)

**Purpose:** Maximum lot coverage percentage currently penalizes the smallest conforming lots in the R3, R1B, and R1A zones by keeping building area artificially small. This change will allow small lots to build to their setback lines, rather than be limited by lot coverage percentage. Larger lots in these zones will still be subject to the maximum lot coverage percentage.

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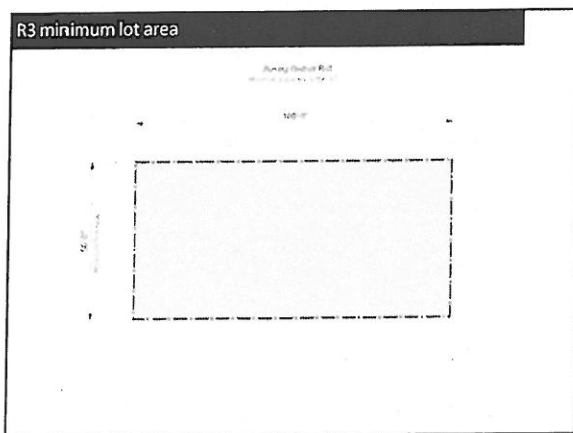
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**R3 minimum lot area**




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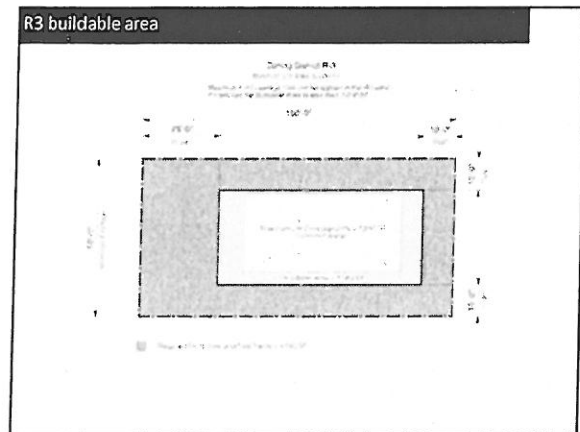
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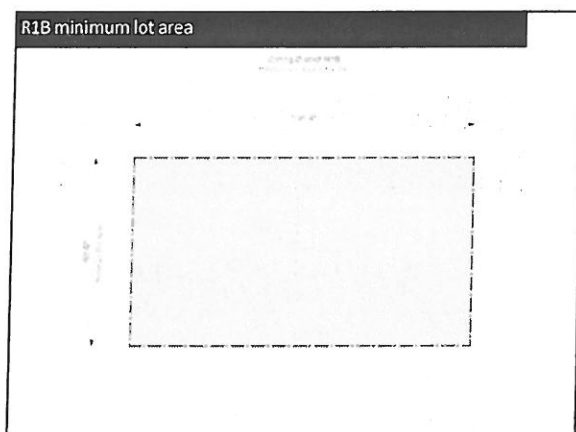
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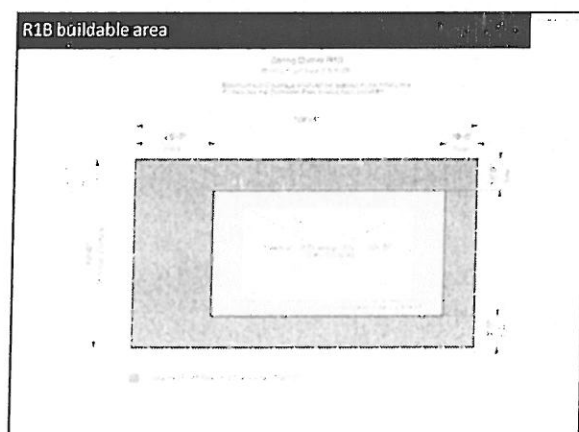
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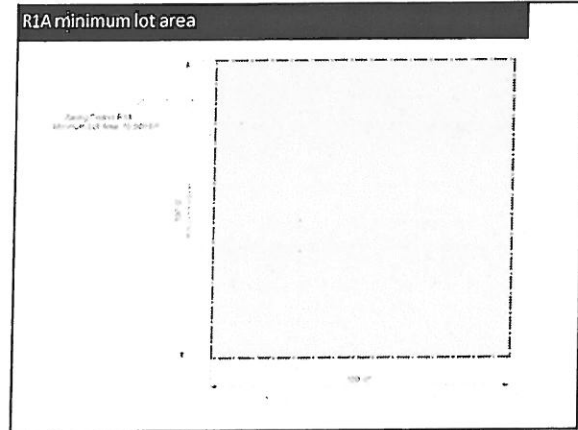
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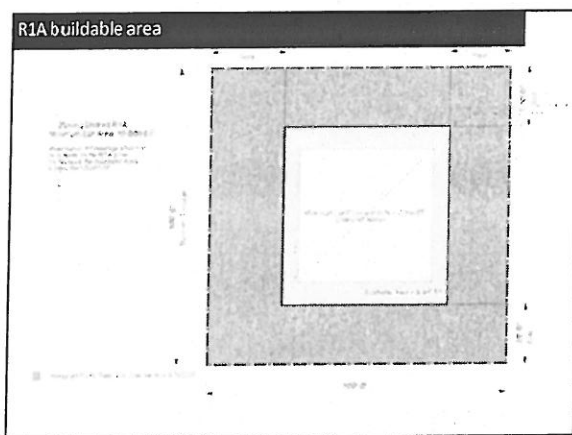
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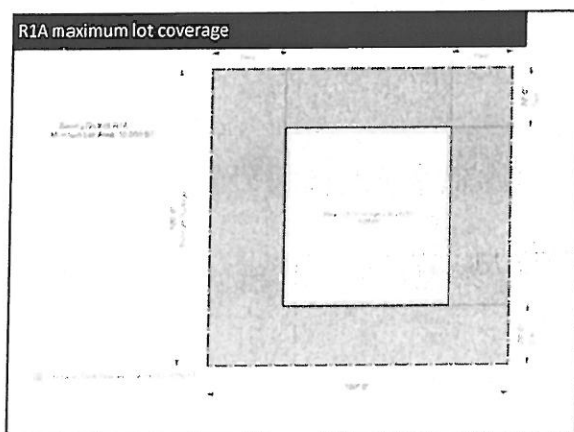
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*How can we allow for a diversity of housing types?*

## 3. Change the special permit authority from the SB to the Pl. Bd.

(page 3 of handout)

*Purpose:* To ensure that the special permitting process for residential development...

- is consistently applied in a way that promotes the goals and strategies of the Master Plan, and adheres to the regulations of the zoning bylaw;
- requires the approval of just one (not two) boards (which would also reduce the costs of a special permit); and,
- does not result in conflicting conditions issued by two different boards.

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*How can we allow for a diversity of housing types?*

## 4. Revise requirements for two-family uses

(page 3 of handout)

- Require 1.5 parking spaces per unit, not 2
- A lot must meet the minimum area for the zoning district, not be twice the size

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*How can we allow for a diversity of housing types?*

## 5. Revise requirements for multifamily uses

(pages 3-5 of handout)

*Purpose:*

- reduce duplicative regulations and increase development feasibility

The amendments will:

- allow a certain density by right (2,500 sf of lot area per unit = 17 units per acre), and more units by special permit

(NOTE: multifamily by right can only be considered in the B, B2X, B3, &amp; MXD)

- require 1.5 parking spaces per unit, not 2

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*How can we allow for a diversity of housing types?*

6. Expand the number and types of accessory dwelling units allowed

(pages 5-6 of Handout)

- Allow accessory structures higher than 15 feet tall to be located not less than 10 feet of the side line,
- Increase allowable size of an ADU to 900 sf,
- Allow up to 2 ADUs per lot,
- Allow a "movable tiny house" to be considered as an ADU, so long as it is hooked up to utilities and the chassis is screened




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Purpose 5: Update marijuana establishment regs.

(page 7 of handout)

*Use regulations for marijuana establishments:*

Allow, by special permit only, for marijuana cultivation and processing to be co-located at same site

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