

**Town of Great Barrington
2017 Annual Town Meeting**

WARRANT

with Recommendations
by the Finance Committee
and the Selectboard

Monday, May 1, 2017



SELECTBOARD

Sean A. Stanton, Chair
Stephen C. Bannon
Daniel Bruce Bailly
Edward D. Abrahams
William F. Cooke

FINANCE COMMITTEE

Thomas A. Blauvelt, Chair
Walter F. Atwood, III
Eugene W. Curletti
Janet Lee

(www.townofgb.org)

TOWN OF GREAT BARRINGTON
2017 ANNUAL TOWN MEETING, MAY 1, 2017

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2017 ANNUAL TOWN MEETING

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TOWN OF GREAT BARRINGTON

WARRANT

ANNUAL TOWN ELECTION
ANNUAL TOWN MEETING

2017

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, SS

To William Walsh, Chief of Police of the Town of Great Barrington, in said Berkshire County,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the Inhabitants of said town to meet at the Great Barrington Fire Station, 37 State Road in the Town of Great Barrington in Precinct A for Precincts A, C, and D, and at the Housatonic Community Center Building in the Village of Housatonic, in Precinct B, for Precinct B on Tuesday, May 9th, 2017 at 8:00 A.M. until 8:00 P.M. for the following purposes, viz.; to elect:

MODERATOR, ONE FOR ONE YEAR

SELECTBOARD, ONE FOR THREE YEARS

BOARD OF HEALTH, ONE FOR THREE YEARS

FINANCE COMMITTEE, ONE FOR THREE YEARS

LIBRARY TRUSTEES, TWO FOR THREE YEARS

PLANNING BOARD, TWO FOR THREE YEARS

ZONING BOARD OF APPEALS, TWO FOR THREE YEARS

ZONING BOARD OF APPEALS, ONE FOR ONE YEAR

BALLOT QUESTION:

- Shall the Town of Great Barrington be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to pay the cost of building improvements to Town Hall, the Mason Library and the Ramsdell Library, and for payment of all other costs incidental and related thereto?

The above named officers and ballot questions will be voted for on official ballots prepared by the Town Clerk.

You are also required to notify and warn the Inhabitants of said town, qualified to vote in town affairs, to meet at the Monument Mountain High School in Great Barrington on Monday, May 1st, 2017, at 6:00 P.M., then and there to act on the following:

ARTICLE 1:

To see if the Town will vote, pursuant to the provisions of G.L. c. 44 section 53E ½, as most recently amended, to amend the Great Barrington Code by inserting a new bylaw establishing various revolving funds, specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, such bylaw to provide as follows:

There are hereby established in the Town of Great Barrington, pursuant to the provisions of G.L. c.44, section 53E ½, the following Revolving Funds:

Program or Purpose	Representative or Board Authorized to Spend	Department Receipts
Plumbing Inspections	Town Treasurer	Plumbing Permit Fees
Wiring Inspections	Town Treasurer	Wiring Permit Fees
Gas Inspections	Town Treasurer	Gas Permit Fees
Town Code Printing	Town Treasurer	Charges for Sale of Code Books
Parks and Recreation	Town Treasurer	Program and Field Use Fees
Recycling/Green Product Sales	Town Treasurer	Charges for Recycling Bins and Related Green Products
Cemetery	Town Treasurer	Burial Permit Fees and Cemetery Charges
Fire Inspections	Town Treasurer	Fire Safety and Smoke Alarm Inspection Fees

Expenditures from each revolving fund set forth herein shall be subject to the limitation established annually by Town Meeting or any increase therein as may be authorized in accordance with G.L. c.44, sec. 53E ½.

And, further, to set FY2018 spending limits for such revolving funds as follows:

Program or Purpose	FY 2018 Spending Limit
Plumbing Inspections	\$15,000
Wiring Inspections	\$50,000
Gas Inspections	\$15,000
Town Code Printing	\$10,000
Parks and Recreation	\$5,000
Recycling/Green Product Sales	\$5,000
Cemetery	\$5,000
Fire Inspections	\$5,000

or to take any other action relative thereto.

Recommended by the Finance Committee and the Selectboard

ARTICLE 2:

To see if the Town will vote to fix the salaries of all elected officials for the period of July 1, 2017 to June 30, 2018 as indicated below:

Elected Officials Salaries:

Selectboard: \$12,500 (\$2,500 per Selectboard member)

Recommended by the Finance Committee and the Selectboard**ARTICLE 3:**

To see if the Town will vote to accept any and all funds being provided by the Commonwealth of Massachusetts Division of Transportation (Mass DOT), under the provisions of Chapter 90 of the General Laws, to pay for such costs as allowed by appropriate legislation in connection with the maintenance, repair, and construction of Town ways and bridges, or to take any other action relative thereto.

Recommended by the Finance Committee and the Selectboard**ARTICLE 4:**

To see if the Town will vote to appropriate \$ 3,010,000, or any other sum of money, in the following approximate amounts and for the following purposes:

Building Improvements	\$ 836,000
Police Cruisers (2)	100,000
Highway Dump Truck	190,000
Cemetery Dump Truck	63,000
Highway Skid Steer	55,000
Antennae Replacement	70,000
Information Technology Upgrades	136,000
Street/Road/Sidewalk Improvements	1,430,000
Engineering	100,000
Olympian Meadow Improvements	30,000
Total	\$ 3,010,000

And for the payment of all other costs incidental and related thereto, and to determine whether this appropriation shall be raised by taxation, transferred from available funds, borrowing or otherwise; or to take any other action relative thereto.

Recommended by the Finance Committee and the Selectboard**ARTICLE 5:**

To see if the Town will vote to raise and appropriate or transfer from available funds such sums of money necessary for the operation of the several departments in the Town for the ensuing year for the purposes outlined below, or to take any other action relative thereto.

General Government

Town Manager/Selectboard	\$ 491,076
Finance Committee	300

Reserve Fund	150,000
Town Accountant	103,900
Technology	179,100
Assessors	142,770
Treasurer/Collector	182,396
Town Clerk/Elections	112,462
Conservation Commission	24,436
Historic District Commission	2,500
Various Boards/Commission	9,470
Planning Board	5,850
Board of Appeals	2,600
Office of Planning/Community Development	100,775

Public Safety

Police Department	1,557,588
Fire Department	513,200
Communications/Emergency Management	34,288
Building Inspector	160,400
Parking Clerk	1,150
Weights/Measures	4,700
Animal Control	12,850

Department of Public Works 2,116,679

Public Health

Board of Health	118,857
Inspector of Animals	2,000

Community Services

Council on Aging	178,819
Veteran's Affairs	181,851
Human Services	52,000

Cultural/Recreation

Libraries	518,503
Parks/Recreation	75,750

Miscellaneous

Insurance	1,736,331
Debt Service	1,475,000
Retirement	819,000
Celebrations/Seasonal/Events/Band Programs	15,433
Unfunded Employee Benefits	30,000

Total General Fund \$ **11,112,034**

Recommended by the Finance Committee and the Selectboard

ARTICLE 6:

To see if the Town will vote to appropriate from the receipts of the Wastewater Treatment Plant such sums of money necessary for the operation of the Sewer Division for the ensuing year for the purposes outlined below, or to take any other action relative thereto.

Wastewater Treatment Plant

Salaries	\$ 420,368
Expenses	620,450
Insurance/Benefits	238,911
Miscellaneous/Transfers	108,629
Debt Service	<u>657,000</u>

Total WWTP \$ **2,045,358**

Recommended by the Finance Committee and the Selectboard

ARTICLE 7

To see if the Town will vote to appropriate and transfer the sum of \$155,919.03, the unexpended balance of the amount appropriated under Article 9 of the May 7, 2001 Town Meeting for remodeling, reconstructing, equipping and making extraordinary repairs to the Mason Library, to authorize expenditure for remodeling, reconstructing or making extraordinary repairs to any Town library or for any other Town library improvement purposes for which the Town is authorized to borrow for a period of twenty (20) or more years, or take any other action relative thereto.

Recommended by the Finance Committee and the Selectboard

ARTICLE 8:

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Fourteen Million, Seven Hundred Forty Five Thousand , One Hundred and Eighty Three Dollars (\$14,745,183) for the operating assessment, and Five Hundred Eighty Four Thousand, Two Hundred Fourteen Dollars (\$584,214) for the capital assessment, for a total assessment of Fifteen Million, Three Hundred Twenty Nine Thousand , Three Hundred and Ninety Seven Dollars (\$15,329,397) of the Berkshire Hills Regional School District, or take any other action relative thereto.

Recommended by the Finance Committee and the Selectboard

ARTICLE 9:

To see if the Town will vote to authorize the use of Free Cash to reduce the tax levy for Fiscal Year 2018, or to take any other action relative thereto.

Recommended by the Finance Committee and the Selectboard

ARTICLE 10:

To see if the Town will vote to appropriate the sum of \$15,000 for deposit into the Police Special Detail Revolving Account, and to determine whether this appropriation shall be raised by taxation, transfer from available funds, or otherwise, or to take any other action relative thereto.

Recommended by the Finance Committee and the Selectboard

ARTICLE 11:

To see if the Town will vote to appropriate an amount not to exceed \$90,000 to reduce the deficit in the Fiscal Year 2017 snow and ice budget, and to determine whether this appropriation shall be raised by taxation, transfer from free cash or other available funds, or otherwise; or to take any other action relative thereto.

Recommended by the Finance Committee and the Selectboard

ARTICLE 12:

To see if the Town will vote to appropriate or reserve for future appropriation, from the community preservation fund, the following amounts recommended by the Community Preservation Committee for fiscal year 2018, with each item considered a separate appropriation; or to take any other action relative thereto.

Reserves:

From FY 2018 revenues for historic resources reserve	\$ 43,050
From FY 2018 revenues for community housing reserve	\$ 43,050
From FY 2018 revenues for open space reserve	\$ 43,050

Appropriations:

From FY 2018 revenues for administrative expenses	\$ 19,178
From undesignated fund balance for 2018 budgeted reserve	\$ 250,000

Recommended by the Community Preservation Committee

ARTICLE 13:

To see if the Town will vote to appropriate from the Community Preservation Fund for fiscal 2018 the following amounts recommended by the Community Preservation Committee with each item to be considered a separate appropriation, or to take any other action relative thereto.

PROJECT	TOTAL APPROPRIATION	Source of Appropriation		
		2017 BUDGETED RESERVE	RESERVED FUND BALANCES	2018 REVENUES
AFFORDABLE HOUSING				
Affordable Housing Trust Fund	\$ 50,000	\$ 6,950	\$ 43,050	\$ -
Berkshire Housing Development Corp. creation of new affordable housing units	200,000	99,550	-	100,450
SUBTOTAL	250,000	106,500	43,050	100,450
HISTORIC PRESERVATION				
Town Hall roof replacement	150,000	6,500	43,050	100,450
Wheeler House handicapped access/bathrooms	33,000	33,000	-	-
Berkshire Pulse elevator/handicapped access	30,000	30,000	-	-
SUBTOTAL	213,000	69,500	43,050	100,450
OPEN SPACE				
Lake Mansfield engineering work to preserve open space resource	106,400	29,866	43,050	33,484
Berkshire Natural Resources Council for creation of trail access	41,230	7,747	-	33,483
GB Land Conservancy for pre- development work towards creation of a trail	58,000	24,517	-	33,483
SUBTOTAL	205,630	62,130	43,050	100,450
TOTAL	\$ 668,630	\$ 238,130	\$ 129,150	\$ 301,350

Recommended by the Community Preservation Committee

ARTICLE 14:

To see if the Town will vote to transfer the care, custody, management and control of the Town Hall property, located at 334 Main Street, Great Barrington, and shown on Assessors' Map 19 as parcel 91, from the Selectboard for the municipal purpose of a town hall, to the Selectboard for the purpose of a town hall and historic preservation purposes and for the purpose of conveying a perpetual historic preservation restriction encumbering the land and the buildings thereon to the Commonwealth of Massachusetts, by and through the Massachusetts Historical Commission; and to authorize the Selectboard to convey such restriction on such terms and conditions, and for such consideration, as the Selectboard deems appropriate, and to take all action and execute all documents necessary in connection therewith; or to take any other action relative thereto.

Recommended by the Selectboard

ARTICLE 15:

To see if the Town will vote to accept and acquire a storm drainage easement from 47 Railroad, LLC in, over and through the property located adjacent to the Castle Street Parking Lot, said easement area being shown

generally on a plan entitled “Preliminary 3/31/17 Plan Showing a Drainage Easement to be Conveyed to the Town of Great Barrington prepared for 47 Railroad, LLC Great Barrington, Massachusetts” by Kelly, Granger, Parsons & Associates, Inc., dated March – 2017, a copy of which is on file with the Town Clerk; and to authorize the Selectboard to execute all documents and take all actions necessary in connection therewith; or to take any other action relative thereto.

Recommended by the Selectboard

ARTICLE 16:

To see if the Town will vote to authorize the Selectboard to grant an easement in, over and through a portion of the site of the Wastewater Treatment Plant, located at 100 Bentley Road, to the Community Development Corporation of South Berkshire for wetlands mitigation activities in connection with the development of the property located at 100 Bridge Street; and to authorize the Selectboard to execute all documents and take all actions necessary in connection therewith; or to take any other action relative thereto.

Recommended by the Selectboard

ARTICLE 17: Site Plan Review

To see if the Town will vote to amend the Zoning Bylaw by adding text to Section 10.5.5, item 2, as proposed below, or to take any other action relative thereto.

Purpose of the Amendment: This amendment is to add consideration of accessibility for handicapped and disabled persons to the Planning Board’s site plan review approval criteria.

(Proposed deletions are ~~struck through~~. Proposed additions are underlined.)

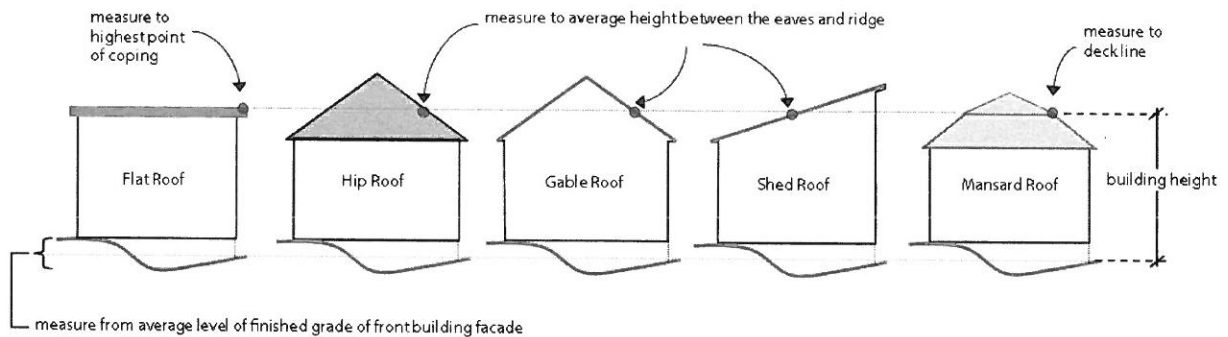
Maximize accessibility and pedestrian and vehicular safety, both on the site and accessing and exiting the site.

ARTICLE 18: Definitions: Height of a Building

To see if the Town will vote to amend the Zoning Bylaw, Section 11, Definitions, by deleting the existing definition for Height of a Building and replacing it with a new definition, proposed below, or to take any other action relative thereto.

Purpose of the Amendment: This amendment will delete the existing, confusing definition and replace it with a new definition which clarifies where to measure from, in the case of a sloping site, and where to measure to, in the case of different roof types, and includes an illustrative diagram.

Height of A Building: The vertical distance measured from the average level of the highest and lowest points of the finished grade adjoining the wall of a building facing the street to the highest point of coping of the top story in the case of a flat roof, to the deck line of a mansard roof, and to the average height between the eaves and ridge of a gable, hip or shed roof (see illustration below). When height is expressed in both stories and feet, the specified number of stories is allowed up to the maximum specified number of feet.



ARTICLE 19: Solar Energy Systems

To see if the Town will vote to amend the Zoning Bylaw by adding a new Section 9.12, Solar Energy Systems, and revising Section 3.1.4, Section 4.1, and Section 11, as proposed below, or to take any other action relative thereto.

Purpose of the Amendment: This amendment is to add reasonable regulations for solar energy systems of all sizes throughout the Town and to bring Great Barrington's zoning bylaws into conformance with state law.

Add a new Section 9.12, as follows:

9.12 SOLAR ENERGY SYSTEMS

9.12.1 Purpose. The purpose of this Section is to:

1. Provide reasonable regulations to govern Solar Energy Systems in order to regulate the size, placement, design, construction, operation, maintenance and removal of such installations;
2. Minimize the impact on and loss of scenic, natural, agricultural and historic resources, and the character of residential neighborhoods;
3. Protect public health, safety, and welfare; and,
4. Encourage the siting of such installations on rooftops, brownfields, and industrial land.

9.12.2 Use Regulations. Solar Energy Systems shall be permitted as set forth in Section 3.1.4, the Table of Use Regulations.

9.12.3 Dimensional Regulations.

1. **Setbacks.** A ground mounted solar energy system shall not be located within the front, side, or rear yard required in the zoning district in which the system is located. Perimeter fences more than six feet high and appurtenant structures such as transformers, utility boxes, or utility poles, shall also be subject to this requirement, but the Planning Board may grant a waiver if it is shown that a particular location is required by the applicable utility company for utility grid connection purposes.
2. **Lot Coverage.** A solar energy system shall not be included in calculations for lot coverage or

impervious surface area, unless the ground area under the solar energy system is impervious.

3. Height. Accessory use systems in residential, B1, and MXD zones shall not exceed 15 feet at their highest point.

9.12.4 Design and Performance Standards. All ground mounted solar energy systems, whether permitted by right or by special permit, shall comply with the following standards:

1. Visual Impact. Reasonable efforts shall be made to minimize visual impact from public rights of way and abutting properties. Dense vegetation is the preferred method of screening.
2. Auditory Impact. Operation of the system shall cause no increase in sound levels, beyond background levels, measurable on abutting residential properties.
3. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be minimized. Areas of clearing shall be revegetated.
4. Agricultural Land. Where systems are proposed on farmland, or on prime farmland soils as defined by the United States Department of Agriculture Natural Resources Conservation Service, systems shall be designed, constructed, and operated to minimize soil compaction and loss of fertility and shall incorporate active farm uses to the extent practicable. The land removed from agricultural use shall not exceed 20% of the total existing agricultural land in common ownership at, or abutting, the solar energy system location, or 15 acres, whichever is less.
5. Lighting. Any proposed lighting shall be provided for emergency-use only and directed downward and have full horizontal cut-offs.
6. Utility Lines. Any utility lines between a solar energy system and the utility grid shall be underground to the extent feasible.
7. Fences. All perimeter fences shall have a clearance of six (6) inches between the bottom of the fence and the ground.
8. Plantings / seed mix: All proposed landscaping and revegetation shall be with noninvasive species and seed mixes that are pollinator and habitat friendly and do not require the use of pesticides or herbicides.

9.12.5 Special Permits. Special Permits for solar energy systems shall be required as set forth in Section 3.1.4, the Table of Use Regulations, and shall be subject to the requirements of this Section and the criteria of Section 10.4.

9.12.6 Site Plan Review. The following solar energy systems shall be subject to Site Plan Review by the Planning Board, in accordance with Section 10.5:

- a. Accessory Use solar energy systems in excess of 750 square feet of project area.
- b. Commercial scale solar energy systems.
- c. Ground-mounted solar energy systems in any residentially-zoned area, the B1 zone, or the MXD zone, which are located nearer to the front lot line than the primary structure.

In addition to the submittal requirements of Section 10.5.3, the project proponent shall provide the following:

1. Locations of farmland soils, by type, and plans to protect, maintain, and/or restore same.
2. Locations of proposed utility connections and disconnects.
3. Locations and details of proposed access roads in and around the solar energy system.
4. Locations and details of any perimeter fencing.
5. Structural details of the system.

6. Operations and Maintenance Plan and Emergency Management Plan. A copy of the Site Plan, electrical schematics, and the Emergency Management Plan shall be provided to the Great Barrington Building Inspector and Fire Chief prior to issuance of a Certificate of Occupancy. A periodic, not less than annual, certification and summary of Operations and Maintenance activities, including mowing or farming as applicable, shall be submitted to the Planning Board.

9.12.7 Agricultural Commission Review. If a commercial-scale solar energy system is to be located on land that is actively farmed, or has been farmed within the last five years, or on prime farmland soils, the project proponent shall provide a full copy of the Site Plan Review application to the Agricultural Commission simultaneously with submittal to the Planning Board. The Agricultural Commission shall review and provide comments relative to agricultural matters to the Planning Board within 30 calendar days of the filing of the application. The Planning Board shall not issue its Site Plan decision until the Agricultural Commission has provided its comments to the Board unless more than 30 days have passed since the application was filed.

9.12.8 Insurance, Decommissioning, and Abandonment.

1. Approval of any Commercial scale ground-mounted solar energy system shall require a Decommissioning Plan that includes consideration of the following:
 - (a) Physical removal of all solar energy systems, foundations and structures, equipment, fencing, security barriers and transmission lines from the site.
 - (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - (c) Stabilization or re-vegetation of the site as necessary to minimize erosion.
 - (d) Soil Restoration, including soil health.
 - (e) Financial Surety: The proponent and land owner shall provide a form of surety, through an escrow account, a bond, or otherwise, in a form satisfactory to the Planning Board, to cover the cost of removal and remediation in the event that the town must remove the installation and remediate the landscape. The surety shall include a fully inclusive estimate of these costs prepared by a qualified engineer, including a mechanism for calculating increased costs resulting from inflation.
2. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, a ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than two years without the written consent of the Planning Board. Abandoned facilities shall be removed at the owner's expense.
3. Approval of a Commercial scale ground-mounted solar energy system shall require evidence of liability insurance in an amount and duration sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility.

Amend the Table of Use Regulations Section 3.1.4 by adding a new item E (7), as follows:

Permitted Use	ZONING DISTRICT ¹														ADDITIONAL APPLICABLE REGULATIONS
	R1A	R1B	R2	R3	R4	B	HVC	B1	B2	B2A	B3	MXD	I	I2	
E. Utilities, communication and transportation															
(7) Solar Energy Systems:															
Roof-mounted (any size)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	See also 9.12
Accessory use, up to 750 sf project area	Y	Y	Y	Y	Y	PB	PB	Y	Y	Y	Y	Y	Y	Y	See also 9.12.
Accessory use 750 sf project area or larger	PB	PB	Y	PB	Y	PB	PB	Y	Y	PB	Y	Y	Y	Y	See also 9.12
Commercial scale	N	N	PB	N	PB	PB	N	N	PB	N	PB	N	Y	PB	See also 9.12

Amend Section 4.1.3 note 2 by adding underlined text as follows:

2. For exceptions, see Section 4.2.8.1. The height regulations do not apply to agricultural structures, antennae, belfries, chimneys, churches, cupolas, mixing plants, roof-mounted solar energy systems, screening or loading towers for sand or rock, spires, ventilators, water tanks, wind energy generators, or other appurtenances usually required to be placed above roof level and not intended for human occupancy.

Amend Section 4.1.3 by adding new note 14 as follows:

14. For dimensional requirements for solar energy systems, see Section 9.12, Solar Energy Systems.

Amend Section 11, Definitions, by adding the following new definitions:

PHOTOVOLTAIC SYSTEM (ALSO REFERRED TO AS PHOTOVOLTAIC INSTALLATION): An active solar energy system that converts solar energy directly into electricity.

PROJECT AREA: The land area required to accommodate and support the installation and operation of a solar energy system; typically, the land which is enclosed within the line of a perimeter fence that encloses the solar energy system and its accessory components or, if there is no fence, the area of the ground covered by the installation.

SOLAR COLLECTOR: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

SOLAR ENERGY: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM: A device or structural design feature for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

SOLAR ENERGY SYSTEM, ACCESSORY USE: A Solar Energy System whose function is to provide electric power to meet the needs of the primary use.

SOLAR ENERGY SYSTEM, COMMERCIAL SCALE: A Solar Energy System in excess of 750 square feet that is not an Accessory Use system.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED: A Solar Energy System that is structurally mounted to the ground and is not roof-mounted.

SOLAR ENERGY SYSTEM, ROOF-MOUNTED: A Solar Energy System that is structurally mounted to the roof of a building

ARTICLE 20: Smart Growth Overlay District (SGOD)

To see if the Town will vote to amend the Zoning Bylaw by adding a new Section 9.13, as proposed below, or to take any other action relative thereto.

Purpose of the Amendment: This amendment will add a new overlay district to three areas of Town, as described in the text and accompanying maps, in which higher density multifamily housing is allowed as of right, if proposed in accordance with the requirements and design guidelines of this new bylaw section.

Add a new Section 9.13, as follows:

Section 9.13 Smart Growth Overlay District (SGOD)

1. Purpose. The purposes of this Section are:

1. To establish a Smart Growth Overlay District (SGOD) to encourage smart growth in accordance with the purposes of G. L. Chapter 40R;
2. To encourage the revitalization of existing buildings to benefit the general health and welfare of our residents and the region;
3. To promote the economic health and vitality of the Town by encouraging the preservation, reuse, renovation, and repurposing of underutilized historic structures where applicable;
4. To maintain or increase the supply of affordable dwelling units;
5. To encourage the creation of new multifamily and residential developments in appropriate locations at appropriate densities; and,
6. To maintain a consistently high level of design quality.

2. Definitions. For purposes of this SGOD, the following definitions shall apply. All capitalized terms shall have the meaning set forth below, which are intended to be in accordance with the definitions established under the Enabling Laws, or, as applicable, as otherwise set forth in the Zoning Bylaw, or as set forth in the Plan Approval Authority (PAA) Regulations. To the extent that there is any conflict between the definitions set forth in this Section or the PAA Regulations and the Enabling Laws, the terms of the Enabling Laws shall govern.

Administering Agent or Monitoring Agent: the local housing authority or other qualified housing entity designated by the PAA pursuant to this Section to review and implement the affordability requirements affecting Projects under this Section.

Affordable Homeownership Unit: an Affordable Housing unit required to be sold to an Eligible Household.

Affordable Housing: housing that is affordable to and occupied by Eligible Households.

Affordable Housing Restriction: a deed restriction for Affordable Housing meeting the statutory requirements in G.L. Chapter 184, Section 31 and the requirements of this Section.

Affordable Rental Unit: an Affordable Housing unit required to be rented to an Eligible Household.

Applicant: the individual or entity that submits a Project for Plan Approval.

As-of-right: a use allowed in the SGOD without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Project that requires Plan Approval by the PAA pursuant to this Section shall be considered an as-of-right Project.

Department or DHCD: the Massachusetts Department of Housing and Community Development, or any successor agency.

Design Standards: means provisions of subsection 13 of this Section made applicable to Projects within the SGOD that are subject to the Plan Approval process.

Developable Land: an area of land that does not include floodplain, wetlands or wetland buffer zone areas, River Protection Areas, rare and endangered species habitats as designated by the Massachusetts Natural Heritage and Endangered Species Program, or slopes over 15%.

Eligible Household: an individual or household whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD) or any successor agency, adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

Enabling Laws: G.L. Chapter 40R, and 760 CMR 59.00 or applicable successor regulation.

Light Industrial Use: Fabrication, finishing, packaging or assembly operation utilizing hand labor or quiet machinery and processes, that are free from agents disturbing to the neighborhood, including but not limited to odors, gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration.

Live/Work Unit: A living unit in which the resident(s) are engaged in creative production and services, and which may or may not include retail sales of items produced on-site, provided such sales do not occur more than 12 hours per week or between the hours of 8:00 PM to 8:00 AM.

Mixed-Use Development Project: a Project containing a mix of residential uses and non-residential uses, as allowed by this Section, and subject to all applicable provisions of this Section.

Multi-family residential use: A residential building in which there are three (3) or more residential dwelling units.

PAA Regulations: the rules and regulations of the PAA adopted pursuant to subsection 9.

Plan Approval: standards and procedures which Projects utilizing the provisions of the SGOD must meet, pursuant to subsections 9 through 13 and the Enabling Laws.

Plan Approval Authority (PAA): The local approval authority authorized under subsection 9 to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGOD.

Project: a Residential or Mixed-use development undertaken within the SGOD in accordance with the requirements of this Section.

Residential Project: a Project that consists solely of residential, parking, and accessory uses.

SGOD: the Smart Growth Overlay District established by this Section pursuant to G. L. Chapter 40R.

Zoning Bylaw: the current effective Zoning Bylaw of the Town of Great Barrington.

3. **Establishment and Location.** The SGOD is an overlay district consisting of the land shown on the Map entitled Smart Growth Overlay District (SGOD) Developable Land Plan, dated January 13, 2017, and on file with the Town Clerk, and further defined as follows:

3.1.Subdistricts. The SGOD shall contain the following subzones or subdistricts:

Subdistrict A: Housatonic Mills smart growth area, which shall consist of the land shown on the 2015 Town of Great Barrington Assessors' Map 2 as Parcels 21, 21A, 21B, 22, 22A, 23A, 23B, 48, 48A, 49, 50, 51, and 52.

Subdistrict B: Rising Mill smart growth area, which shall consist of the land shown on the 2015 Town of Great Barrington Assessors' Map 5 as Parcel 9.

Subdistrict C: South Main Street smart growth area, which shall consist of the land shown on the 2015 Town of Great Barrington Assessors' Map 30 as Parcels 48, 49, and 49A, and Assessors' Map 38 as Parcel 12E.

4. Applicability

- 4.1. The SGOD is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to this Section. Within the boundaries of the SGOD, a developer may elect either to develop a Project in accordance with the requirements of the SGOD, or to develop a project in accordance with the regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) or other applicable overlay district(s). Where a Project proposed pursuant to this Section falls within a Floodplain Overlay District or Water Quality Protection Overlay District as set forth in Sections 9.1 and 9.2 of the Zoning Bylaw, the Project shall comply with the applicable provisions of those Sections, including any special

permit(s) as may be required.

4.2. An Applicant seeking to develop a Project located within the SGOD must submit an application for Plan Approval in accordance with the provisions of the Enabling Laws and this Section. Notwithstanding anything to the contrary in the Zoning Bylaw, such Project shall not be subject to any other provisions of the Zoning Bylaw, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations.

5. Permitted Uses. The following uses are permitted as-of-right for Projects within and seeking Plan Approval per the provisions of the SGOD. Any other use of land or buildings in connection with a Project in the SGOD is prohibited.

5.1. Subdistrict A (Housatonic Mills):

- A. Multifamily residential uses, which may include live/work units
- B. Mixed-use Projects, incorporating multifamily residential uses and any of the following non-residential uses, where the minimum gross floor area devoted to residential uses shall be 50% of the gross floor area of the Project:
 - (1) Offices, including medical offices
 - (2) Retail stores, including banks, and wholesale establishments, but excluding stores and establishments with drive-through windows
 - (3) General service establishments and personal service establishments
 - (4) Bakeries and artisan food or beverage producers
 - (5) Restaurants and cafes, indoor or outdoor
 - (6) Hotels, motels, or bed and breakfast establishments
 - (7) Community, education, or recreational uses, including museums, parks, playgrounds, health clubs and gym/fitness centers
 - (8) Municipal buildings and facilities
 - (9) Light industrial uses
- C. Accessory uses, including home occupations, and parking accessory to any of the above permitted uses.

5.2. Subdistrict B (Rising Mill):

- A. Multifamily residential uses, which may include live/work units
- B. Mixed-use Projects, incorporating multifamily residential uses and any of the following non-residential uses, where the minimum gross floor area devoted to residential uses shall be 50% of the gross floor area of the Project:
 - (1) Offices, including medical offices
 - (2) Retail stores, including banks, and wholesale establishments, but excluding stores and establishments with drive-through windows
 - (3) General service establishments and personal service establishments
 - (4) Bakeries and artisan food or beverage producers
 - (5) Restaurants and cafes, indoor or outdoor
 - (6) Hotels, motels, or bed and breakfast establishments
 - (7) Community, education, or recreational uses, including museums, parks, playgrounds, health clubs and gym/fitness centers
 - (8) Municipal buildings and facilities
 - (9) Light industrial uses
- C. Accessory uses, including home occupations, and parking accessory to any of the above permitted uses.

5.3. Subdistrict C (South Main Street):

- A. Single-family, two-family, three-family, or multifamily residential uses, any of which may include live/work units
- B. Accessory uses, including home occupations, and parking accessory to any of the above permitted uses.

- 6. Affordable Housing.** For all Projects, not less than twenty percent (20%) of housing units constructed shall be Affordable Housing. For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit of 0.5 or greater shall be deemed to constitute a whole unit. A Project shall not be segmented to evade the affordability threshold set forth above.

Affordable housing shall be subject to the following requirements:

- 6.1. Monitoring Agent.** A Monitoring Agent, which may be the local housing authority or other qualified housing entity, shall be designated by the PAA in its plan approval. In a case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the PAA or by DHCD such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the PAA. In any event, such Monitoring Agent shall ensure the following, both prior to issuance of a Building Permit for a Project within the SGOD, and on a continuing basis thereafter, as the case may be:

- a. prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
- b. income eligibility of households applying for Affordable Housing is properly and reliably determined;
- c. the housing marketing and resident selection plan conforms to all applicable requirements, has been approved by DHCD specifically with regard to conformance with M.G.L. c.40R and 760 CMR 59.00, and is properly administered;
- d. sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
- e. Affordable Housing Restrictions meeting the requirements of this Section are approved by DHCD, specifically with regard to conformance with M.G.L. c.40R and 760 CMR 59.00, and recorded with the proper Registry of Deeds.

- 6.2 Submission Requirements.** As part of an application for Plan Approval for a Project within the SGOD the Applicant must submit the following documents to the PAA and the Monitoring Agent:

- a. evidence that the Project complies with the cost and eligibility requirements of subsection 6.3;
- b. Project plans that demonstrate compliance with the requirements of subsection 6.4; and
- c. a form of Affordable Housing Restriction that satisfies the requirements of subsection 6.5.

These documents in combination shall include details about construction related to the provision, within the development, of units that are accessible to the disabled and appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly.

- 6.3 Cost and Eligibility Requirements.** Affordable Housing shall comply with the following requirements:

- a. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
- b. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable housing program rent limits approved by the DHCD shall apply.
- c. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowners' association fees, insurance, and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.
- d. Prior to the granting of any Building Permit for a Project, the Applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to Great Barrington.

6.4 Design and Construction. Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed proportionately throughout the Project of which they are a part, across all unit types and be comparable in initial construction quality and exterior design to the other housing units in the Project. The bedroom-per-unit average for the Affordable Housing must be equal to or greater than the bedroom-per-unit average for the unrestricted/market-rate units.

6.5 Affordable Housing Restriction. Each Project shall be subject to an Affordable Housing Restriction which is recorded with the appropriate Registry of Deeds or registry district of the Land Court and which contains the following:

- a. specification of the term of the Affordable Housing Restriction, which shall be no less than 30 years;
- b. the name and address of the Monitoring Agent, with a designation of its power to monitor and enforce the Affordable Housing Restriction;
- c. a description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project without specific unit identification.
- d. reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The plan shall designate the household size appropriate for a unit with respect to the number of bedrooms and provide that a preference for such Unit shall be given to a household of the appropriate size;
- e. a requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and resident selection plan;
- f. reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership unit will be set;
- g. a requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Monitoring Agent;
- h. provision for effective monitoring and enforcement of the terms and provisions of the

Affordable Housing Restriction by the Monitoring Agent;

- i. provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and/or the Town, in a form approved by Town Counsel, and shall limit initial sale and re-sale to occupancy by an Eligible Household;
- j. provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Monitoring Agent and/or the Town, in a form approved by Town Counsel, and shall limit rental and occupancy to an Eligible Household;
- k. provision that the owner or manager of Affordable Rental Units shall file an annual report to the Monitoring Agent, in a form specified by that agent, certifying compliance with the affordability provisions of this Section and containing such other information as may be reasonably requested in order to ensure affordability; and
- l. a requirement that residents in Affordable Housing provide such information as the Monitoring Agent may reasonably request in order to ensure affordability.

6.6 Costs of Housing Marketing and Selection Plan. The housing marketing and selection plan may make provision for payment by the Project Applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements. Such payment shall not exceed one-half percent (1/2%) of the amount of rents of Affordable Rental Units (payable annually) or one-half percent (1/2%) of the sale or resale prices of Affordable Homeownership Units (payable upon each such sale or resale), as applicable.

6.7 Age Restrictions. Nothing in this subsection 6 shall permit the imposition of restrictions on age upon Projects throughout the entire SGOD. However, the PAA may, in its review of an application for Plan Approval, allow a specific Project within the SGOD designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable federal, state and local fair housing laws and regulations and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable units.

6.8 Phasing. For any Project that is approved and developed in phases, the percentage of Affordable units in each phase shall be at least equal to the minimum percentage of Affordable Housing required under subsection 6. Where the percentage of Affordable Housing is not uniform across all phases, the unit dispersal and bedroom proportionality requirements under subsection 6 shall be applied proportionately to the Affordable Housing provided for in each respective phase.

6.9 No Waiver. Notwithstanding anything to the contrary herein, the affordability provisions in the SGOD shall not be waived.

7. Density and Dimensional Requirements: Notwithstanding anything to the contrary in this Zoning Bylaw, the dimensional requirements applicable in the SGOD are as follows:

7.1. Residential Density. Multifamily residential (four or more dwelling units) and mixed use Projects in the SGOD, and in any Subdistrict, may be developed as-of-right at a minimum density of 20 dwelling units per acre of Developable Land. Two-family and three-family residential Projects may be developed as-of-right in Subdistrict C at a minimum density of 12 dwelling units per acre of Developable Land. Single-family residential use Projects may be developed as-of-right in Subdistrict C at a minimum density of 8 dwelling units per acre of Developable Land.

7.2. Lot Area, Frontage, and Yard Setbacks

Each Project shall have:

Minimum Project area:	10,000 square feet
Minimum length of frontage:	50 feet
Minimum front yard setback:	0 feet in Subdistrict A; 25 feet in all other Subdistricts
Maximum front yard setback:	10 feet in Subdistrict A; no maximum in other Subdistricts
Minimum side yard setback:	no requirement between buildings within a Project; 10 feet between any Project building and the boundary of the SGOD
Minimum rear yard setback:	no requirement between buildings within a Project; 10 feet between any Project building and the boundary of the SGOD

For the purposes of this subsection, frontage and front yard setbacks shall be determined with respect to public and private streets, as well as to private ways providing similar access.

Access: Individual buildings or parcels within a Project site shall have coordinated street access. There shall be not more than one driveway (curb cut) per 50 feet of frontage.

- 7.3. Open Space:** A minimum of 20 percent of the total Project area shall be open space. For the purpose of this subsection, “open space” shall be defined as yards, playgrounds, walkways and other areas not covered by parking and driveways; such open space need not be accessible to the public. This minimum percentage may be reduced by the PAA through the Plan Approval process only if the PAA specifically finds one or more of the following are met:
- a. Riverfront access/appreciation: for any Project that provides for access or enjoyment of the Housatonic River, the minimum percentage of open space may be reduced by half.
 - b. Public open space: for any Project that permanently restricts the open space and allows public access in perpetuity, the percentage of open space may be reduced by one-quarter.
 - c. The above open space incentives may be cumulative.

7.4. Building Height, maximum:

Subdistrict A: 4 stories or 50 feet
Subdistrict B: 4 stories or 50 feet
Subdistrict C: 3 stories or 40 feet

7.5. Nonresidential Floor Area: per subsection 5 of this SGOD, above.

7.6. Dimensional Waivers in Substantially Developed Subdistrict. The PAA may, in order to encourage the development of infill housing units on undeveloped lots within a Substantially Developed Subdistrict, grant a waiver to the dimensional standards of this subsection, in accordance with subsection 11.3.

8. Parking and Loading Requirements: The following requirements are applicable for Projects within the SGOD.

8.1. Parking spaces. Unless otherwise approved by the PAA, the following minimum requirements shall apply:

Residential project: One parking space per residential unit

Mixed-use project: One parking space per residential unit plus the applicable quantity computed per the table below:

<u>USE</u>	<u>MINIMUM PARKING REQUIRED</u>
Office, retail, wholesale, general service, and personal service establishments	1 space per 300 square feet of net useable floor area
Bakeries and artisan food or beverage producers	1 space per employee
Restaurants and cafes	1 space per three seats
Hotels, motels, or bed and breakfast establishments	1 space per guest room
Community, education, or recreational uses	1 space for each four seats or equivalent floor area
Municipal buildings and facilities	1 space per 300 square feet of net useable office area
Light industrial uses	One parking space for each two employees, computed on the basis of the estimated maximum number of employees at any one time.

8.2 Loading spaces: Unless otherwise approved by the PAA, one loading space shall be provided for every 20,000 gross square feet of floor area for non-residential use. Loading spaces must be demonstrated to be of sufficient area and height to serve the intended use.

8.3 Shared Parking and Loading. Notwithstanding anything to the contrary herein, the use of shared parking or loading to fulfill parking or loading demands noted above that occur at different times of day is strongly encouraged. Minimum parking and loading requirements above may be reduced by the PAA through the Plan Approval process if the applicant can demonstrate that shared spaces will meet demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies identified in the PAA Regulations or the Enabling Laws).

8.4 Reduction in parking or loading requirements. Notwithstanding anything to the contrary herein, any minimum required amount of parking or loading may be reduced by the PAA through the Plan Approval process if the applicant can demonstrate that the lesser amount of parking or loading will not cause excessive congestion, endanger public safety, or that a lesser amount of parking or loading will provide positive environmental or other benefits, taking into consideration:

- the availability of surplus off street parking or loading in the vicinity of the use being served and/or the proximity of a bus stop or transit station;
- the availability of public or commercial parking or loading facilities in the vicinity of the use being served;
- shared use of off street parking or loading spaces serving other uses having peak user demands at different times;

- d. age or other occupancy restrictions which are likely to result in a lower level of auto usage;
- e. impact of the parking or loading requirement on the physical environment of the affected area of the Project or adjacent areas or lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
- f. such other factors as may be considered by the PAA.

8.5 Location of Parking and Loading. Any surface parking lot or loading area shall, to the maximum extent feasible, be located at the rear or side of a building, relative to any principal street, public open space, or pedestrian way.

9. Plan Approval of Projects: General Provisions

9.1. Plan Approval. All Applicants for Projects proposed to be developed in accordance with this Section shall submit an application for Plan Approval to the PAA to be reviewed for consistency with the purpose and intent of the SGOD. Such Plan Approval process shall be construed as an as-of-right review and approval process as required by and in accordance with the Enabling Laws.

9.2 Plan Approval Authority (PAA). The Planning Board, consistent with G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority (the “PAA”), and it is authorized to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGOD.

9.3 PAA Regulations. The Plan Approval Authority may adopt administrative rules and regulations relative to Plan Approval. Such rules and regulations must be approved by the Department of Housing and Community Development.

9.4 Project Phasing. An Applicant may propose, in a Plan Approval submission, that a Project be developed in phases, provided that the submission shows the full buildout of the Project and all associated impacts as of the completion of the final phase, and subject to the approval of the PAA. Any phased project shall comply with the provisions of subsection 6.8.

10. Plan Approval Procedures

10.1 Pre-application. Prior to the submittal of a Plan Approval submission, a “Concept Plan” may be submitted to help guide the development of the definitive submission for Project buildout and individual elements thereof. Such Concept Plan should reflect the following: areas of developable and undevelopable land; overall building envelope areas; open space and natural resource areas; general site improvements, groupings of buildings, proposed land uses; and conceptual designs of any new construction, if available. The Concept Plan is intended to be used as a tool for both the Applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards and other requirements of the SGOD.

10.2 Required Submittals. An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA and accompanied by an application fee if required, which shall be as set forth in the PAA Regulations. The application shall be accompanied by such plans and documents as may be required and set forth in the PAA Regulations. For any Project that is subject to the affordability requirements of subsection 6.0, the application shall be accompanied by all materials required under subsection 6.2. All site plans shall be prepared by a certified

architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals forty feet (1"=40') or larger, or at a scale as approved in advance by the PAA.

- 10.3 Filing.** An Applicant for Plan Approval shall file the required number of copies of the application form and the other required submittals as set forth in the PAA Regulations with the Town Clerk, and a copy of the application including the date of filing certified by the Town Clerk shall be filed forthwith with the PAA.
- 10.4 Circulation to Other Boards.** Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the Select Board, Board of Health, Conservation Commission, Fire Department, Police Department, Building Commissioner, Department of Public Works, the Monitoring Agent (for any Project subject to the affordability requirements of subsection 6.0), and other municipal officers, agencies or boards for comment, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval.
- 10.5 Hearing.** The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G.L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the Applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the Plan Approval application.
- 10.6 Peer Review.** The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to G.L. Chapter 40R, Section 11(a). Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant forthwith.

11. Plan Approval Decisions

- 11.1. Plan Approval.** Plan Approval shall be granted where the PAA finds that:
1. the Applicant has submitted the required fees and information as set forth in the PAA Regulations; and
 2. the Project as described in the application meets all of the requirements and standards, including affordability requirements and Design Standards, and the PAA Regulations, or a waiver has been granted therefrom; and
 3. any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For a Project subject to the affordability requirements of subsection 6.0, compliance with condition (2) above shall include written confirmation by the Monitoring Agent that all requirements of that subsection have been satisfied. The PAA may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Section

and the PAA's approval, or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties.

11.2. Plan Disapproval. A Plan Approval application may be disapproved only where the PAA finds that:

1. the Applicant has not submitted the required fees and information as set forth in the PAA Regulations; or
2. the Project as described in the application does not meet all of the requirements and standards set forth in this Section and the PAA Regulations, or that a requested waiver therefrom has not been granted; or
3. it is not possible to mitigate adequately significant adverse project impacts on nearby properties by means of suitable conditions.

11.3. Waivers. Upon the request of the Applicant, the Plan Approval Authority may waive dimensional and other requirements of this Section, including the Design Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the SGOD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section.

11.4. Project Phasing. The PAA, as a condition of any Plan Approval, may allow a Project to be phased at the request of the Applicant, or it may require a Project to be phased for the purpose of coordinating its development with the construction of Planned Infrastructure Improvements (as that term is defined under 760 CMR 59.00), or to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, unless otherwise explicitly approved in writing by the Department in relation to the specific Project, the proportion of Affordable units shall be at least equal to the minimum percentage of Affordable Housing required under subsection 6.

11.5. Form of Decision. The PAA shall issue to the Applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If an application is approved by reason of the failure of the PAA to timely act, the Town Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the Registry of Deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the Applicant.

11.6. Validity of Decision. A Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Project.

12. Changes in Plans after Approval by PAA

12.1. Minor Change. After Plan Approval, an Applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the Town Clerk.

12.2. Major Change. Those changes deemed by the PAA to constitute a major change in a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to subsections 9.0 through 13.0.

13. Design Standards

13.1. Adoption of Design Standards. The following Design Standards are adopted to ensure that development in the SGOD is of high quality and is compatible with the character and scale of Great Barrington's building types and streetscapes. These Design Standards are not meant to limit creativity through innovative architectural design.

13.2. Terms. It should be noted that the Design Standards include a mixture of requirements, indicated generally by the use of the words "shall" and "must" with regard to a specific standard, and guidelines, which are more advisory in nature, and which are indicated generally by the use of the words "should" and "may". Where appropriate the Design Standards may be supplemented with "Acceptable" and "Unacceptable" graphic examples within this section for illustrative purposes.

13.3. General Design Principles Applicable to All Projects.

1. Projects should further the purposes of the SGOD;
2. Buildings and materials should be consistent with or complementary to the character of the specific Subdistrict;
3. Development should be environmentally sustainable and should incorporate to the degree practical low-impact development techniques, energy efficiency, use of renewable energy and best practices for stormwater management;
4. Development should be designed to encourage pedestrian and bicycle travel to and within the site and provide a safe and aesthetically attractive pedestrian and bicycle environment;
5. Development should protect environmentally sensitive areas such as wetlands and the Housatonic River; and
6. Existing natural resources, native vegetation, and the natural topography of the site should be integrated into the site design to the greatest extent practical.

13.4. Site Design Standards Applicable to All Projects.

- A. Existing Features and Systems: Sites and Buildings shall be designed and constructed in

such a way as to respect and retain, to the extent practicable, the existing buildings, topography, natural features, and natural systems of the area. The construction, operation, and maintenance of buildings and sites in the SGOD shall be designed to:

1. minimize partial or wholesale demolition and removal of historic buildings and features;
 2. minimize the volume of earth/soil cut and fill;
 3. minimize the number of removed trees 6-inch caliper or larger;
 4. minimize the length of removed stone walls;
 5. minimize the extent of stormwater flow increase from the site, soil erosion, and threat of air, light, and water pollution.
- B. Public Safety and Circulation: Sites and buildings shall be designed and constructed so that accessibility and pedestrian and vehicular safety, both on the site and accessing and exiting the site, are not compromised.
1. The locations, dimensions, directions of travel, and construction details for streets, alleys, driveways, sidewalks, curbs, gutters, catch basins, and other structures shall maximize accessibility and pedestrian and vehicular safety.
 2. Curb cuts, driveways, access ways and walkways between adjacent sites shall be shared to the maximum extent practicable.
 3. Streets, alleys, driveways, emergency access ways, sidewalks, and bike ways shall be of adequate design with respect to width, lighting, visibility, and drainage in order to ensure safety to pedestrians, cyclists, and vehicular traffic.
- C. Scenic Views: Buildings, site, and new landscape features shall be designed and located to minimize the obstruction of scenic views from sidewalks, public ways, parks, or other publicly accessible locations.
- D. Parking, Loading, and Service areas: The visibility of parking, storage, or other outdoor service areas as viewed from public ways or abutting premises shall be minimized to the extent practicable.
1. Fences, landscaping, or other screening features should be employed to minimize visual intrusion from surrounding land uses.
 2. Screening features should not block visibility in and out so that areas are unsafe.
 3. The materials, color, and height above grade of screening features should be generally consistent with, or complementary to, the existing or desired building patterns in the surrounding area.
 4. Parking lots shall incorporate shade trees to the extent practicable. Species shall be selected in accordance with the landscaping standards of this Section.
- E. Landscaping: All Projects shall provide landscaping as required herein to the extent practicable. Landscape plants shall be non-invasive and appropriate to the climate and site conditions. Consideration should be given to species survivability, pest resistance, and ability to provide for a “pollinator friendly” landscape in keeping with the Town of Great Barrington’s policy.
- F. Lighting and Glare: Glare from headlights and site lighting, including any lights on buildings and signs, into the night sky and into adjacent properties shall be minimized. Applications for Plan Approval shall include detailed photometric plans and specifications of all proposed exterior lights, including height and locations of fixtures, lumen ratings,

color temperature, and light source (e.g. sodium vapor, metal halide, or LED).

- G. Stormwater and groundwater: Projects shall incorporate appropriate provisions to contain, filter, clean and infiltrate stormwater and other runoff from the site.

13.5. Building Design Standards

A. Applicable to All Projects:

Relationship to Historic Architecture and Context: Any existing buildings in the SGOD at the time of adoption of the SGOD shall be retained unless it is satisfactorily demonstrated to the PAA that renovation and reuse are infeasible. The renovation of existing buildings should retain recognizable features that distinguish the architectural styles and character of the industrial heritage of the site, while providing compatible and contemporary improvements associated with the adaptive reuse of these structures.

Scale and Proportions: New buildings, as viewed from public ways and publicly accessible locations, shall be designed to be contextual with other buildings in the vicinity, as follows.

- (1) Height of new buildings shall be within one story of other buildings on the site and abutting properties, but shall not exceed the maximum heights allowed in the SGOD. The apparent height may be altered by the use of sloping roofs, gables, fenestration, and exterior architectural details.
- (2) Unbroken facades of longer than 100 feet shall be avoided.
- (3) The architecture facing a public street or publicly accessible space should exhibit a human scale of detail.

Materials: Exterior materials of new and renovated buildings shall be contextual or complementary to existing historic buildings, if any, in the vicinity. A combination of traditional and modern materials and variations of color and texture shall be used to reference both the historic and new building types.

- 14. Severability** If any provision of this Section is found to be invalid by a court of competent jurisdiction, the remainder of the Section shall not be affected but shall remain in full force. The invalidity of any provision of this Section shall not affect the validity of the remainder of the Great Barrington Zoning Bylaw.

- 15. Administration, Enforcement, and Appeals.** The provisions of this Section shall be administered by the Building Commissioner, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the PAA under subsections 9 through 13 shall be governed by the applicable provisions of G. L. Chapter 40R. Any other request for enforcement or appeal arising under this Section shall be governed by the applicable provisions of G. L. Chapter 40A.

ARTICLE 21: Resolution regarding Protection of Sustainable and Organic Agriculture in the Town of Great Barrington

To see if the Town of Great Barrington will vote to approve the following resolution:

WHEREAS, sustainable and organic agriculture is a vital and growing industry in Great Barrington and surrounding Berkshire communities, as well as other parts of Massachusetts;

Whereas, sustainable and organic agriculture protects the environment, including insect, plant, animal and human health and wellbeing, as well as soil fertility and clean water;

Whereas, organic farmers are prohibited from using genetically engineered seeds and substances, and organic crops that are contaminated by GMOs lose substantial value;

Whereas, genetically engineered organisms have the potential to contaminate other organisms, both cultivated and wild, through normal reproductive processes—and, in the case of crops and other plants, such contamination can occur at a great distance through cross-pollination;

Whereas, GMO contamination becomes virtually certain once the introduction of genetically engineered organisms is widespread, and once it occurs is irreversible;

Whereas, there is no way of knowing what the long term, harmful impact of GMOs will be on the natural environment and human health;

Whereas, the cultivation of GMO crops requires large quantities of toxic pesticides and herbicides that contaminate soil and water, and clean water and unpolluted soil are a necessary component of a healthy ecosystem, food system and human, animal and insect health; and

Whereas glyphosate, which is widely used in conjunction with GMO production, is particularly widespread and is known to cause harm to human beings.

NOW, THEREFORE, BE IT RESOLVED by the Town Meeting of the Town of Great Barrington, Massachusetts, that the Town of Great Barrington is hereby declared an Organic and Sustainable Farming Friendly Community, and that the Town encourages adoption of policies and practices among farmers and residents that protect and support beneficial insect, animal and human health by eliminating the cultivation of genetically modified crops and the sale and use of pesticides and herbicides that are used in conjunction with such crops, most notably glyphosate, which is sold under various trade names including “Round-Up,” “Rodeo,” and “Accord.”

The Town Clerk is requested to send copies of this Resolution to Governor Charlie Baker, Massachusetts Department of Agricultural Resources Commissioner John Lebeaux, State Senator Adam Hinds and State Representative William Smitty Pignatelli, or to take any other action relative thereto.

ARTICLE 22:

To see if the Town will vote to amend Chapter 135 of the Great Barrington Code, Plastic Bag Reduction, as follows, with proposed deletions shown as ~~struck through~~ and proposed additions underlined:

a) in section two, Definitions, revise the definition of REUSABLE BAG to read as follows: A bag, with handles, that is specifically designed for multiple use and is made of thick plastic which has a thickness of over 4 mils, cloth, fabric, or other durable materials.

and revise the definition of THIN-FILM SINGLE-USE PLASTIC BAGS to read as follows: Typically with plastic handles, are bags with a thickness ~~of 2.5 mil or less~~ of 4 mil or less and are intended for single-use transport of purchased products.

b) revise the first sentence of section 4.B – Administration and Enforcement, to read as follows: “The Police Department will be responsible to enforce this chapter through the issuance of a violation notice, and enforcement may also be assigned to the Board of Health.”

or to take any other action relative thereto.

Recommended by the Selectboard

ARTICLE 23:

To see if the Town will vote to accept the provisions of MGL Chapter 40, section 8J to authorize the creation of a Commission on Disability and the appointment of members of the Commission by the Selectboard, as defined in the law, or to take any other action relative thereto.

Recommended by the Selectboard

ARTICLE 24: Town Clerk’s fees

To see if the Town will vote to amend Chapter 91 of the Great Barrington Code, Schedule of Town Clerk’s Fees, as follows, with proposed deletions shown as ~~struck through~~ and proposed additions underlined), or to take any other action relative thereto:

The following are fees charged by the Town Clerk for licenses, permits, certified copies and other services, pursuant to the authority granted by MGL c. 262, § 34:

~~(1) For filing and indexing assignment for the benefit of creditors: \$10.~~

~~(11) For entering amendment of a record of the birth of an illegitimate child subsequently legitimized: \$10-~~ \$25.

~~(12) For correcting errors in a record of birth: \$10~~ \$25.

~~(13) For furnishing certificate of birth: \$5~~ \$10.

~~(13A) For furnishing an abstract copy of a record of birth: \$4.~~

~~(14) For entering delayed record of birth: \$10~~ \$25.

(20) For filing certificate of a person conducting business under any title other than his real name: ~~\$20~~ \$40.

(21) For filing, by a person conducting business under any title other than his real name, of a statement of change of his residence or of his discontinuance, retirement or withdrawal from or of a change of location of such business: \$10.

(22) For furnishing certified copy of certificate of person conducting business under any title other than his real name or of a statement by such person of his discontinuance, retirement or withdrawal from such business: ~~\$5~~ \$10.

(24) For recording the name and address, the date and number of the certificate issued to a person registered for the practice of podiatry in the commonwealth: \$20.

(29) For correcting errors in a record of death: ~~\$10~~ \$25.

(30) For furnishing a certificate of death: \$5 \$10.

~~(30A) For furnishing an abstract copy of a record of death: \$2.~~

~~(37) For issuing and recording licenses to keepers of intelligence offices: \$25.~~

~~(38) For issuing and recording license to junk dealers: \$100.~~

~~(38A) For issuing and recording license to junk collector: \$50.~~

(39) For issuing and recording pawnbrokers' licenses: ~~\$100~~ \$150.

~~(40) For issuing and recording licenses to keepers of billiard saloons, pool or sippio rooms or tables, bowling alleys, etc.: \$30 for first table or alley, \$15 for each additional table or alley.~~

~~(42) For entering notice of intention of marriage: and issuing certificates thereof: \$15~~ \$35.

(43) For entering certificate of marriage filed by persons married out of the commonwealth: \$5 \$10.

(44) For issuing certificate of marriage: \$5 \$10.

~~(44A) For furnishing an abstract copy of a record of marriage: \$2.~~

(45) For correcting errors in a record of marriage: \$10 \$25.

~~(54) For recording power of attorney: \$10.~~

(57) For recording certificate of registration granted to a person to engage in the practice of optometry or issuing a certified copy thereof: \$20.

(58) For recording the name of the owner of a certificate of registration as a physician or osteopath in the commonwealth: \$20.

(62) For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cable or attachments under the provisions of Section 22 of Chapter 166, ~~\$10 additional~~ for each street or way included in such order: \$40.

~~(66) For examining records or papers relating to a birth, marriage or death upon the application of any person, the actual expense thereof, but not less than: \$5.~~

~~(67) For copying any manuscript or record pertaining to a birth, marriage or death, per page: \$5.~~

(69) For receiving and filing of a complete inventory of all items to be included in a closing-out sale, etc.: \$10 for the first page and \$2 for each additional page.

(75) For filing a copy of written instrument or declaration of trust by the trustees of an association or trust, or any amendment thereof as provided by MGL c. 182, § 2: \$20.

~~(78) For recording deed of lot or plot in a public burial place or cemetery: \$10.~~

(79) Recording any other documents: \$10 per first page, \$2 each additional page.

~~Voter's card: \$5.~~

Recommended by the Selectboard

ARTICLE 25:

To see if the Town will vote to adopt the following resolution to designate the Town Of Great Barrington as a Safe And Inclusive Community, or to take any other action relative thereto.

WELCOMING AND SAFE COMMUNITIES ARE POSSIBLE IF WE ARE INCLUSIVE AND IF WE TRUST

Values Statement

Considering that we the people of Great Barrington acknowledge the value for our Town of our diverse population as an integral part of our labor and cultural force and that we recognize the need to provide a safe community for all residents and to keep our families together regardless of their immigration status.

Considering that the Great Barrington Police Department has stated in previous resolutions and through their positive community policing and accreditation efforts their commitment to build and maintain positive relations within the community in which inclusivity and protection to all of our residents goes hand in hand with their mission of guaranteeing public safety and security for

our community.

Considering that in our system we are all accountable under the rule of law, including the government, its officials and agents as well as the individuals and private entities that are part of our community and, in order to guarantee a sense of safety and accountability the laws should be clear, just, publicized, applied evenly and enforced in a way that reflects the community served.

We as residents of Great Barrington hereby publicly designate the Town of Great Barrington as a safe, inclusive and welcoming community, with its commitment to the following principles, policies and procedures to be followed uniformly throughout our Town:

Great Barrington Trust Policy Principles

1. Great Barrington will continue to ensure civil liberties of all and enforce protection from discrimination for all residents regardless of their race, skin color, national or ethnic origin, gender, sexual orientation, mental or physical disability, immigration status, religious, political or social affiliations, professed beliefs, homed or homeless status and any other demographic characteristics.
2. Great Barrington police will equally enforce the laws, promote safety and serve the Great Barrington community without consideration of individuals' immigration status or other demographic characteristics.
3. Great Barrington will not participate in enforcement of federal immigration law or aid in the detention, transfer or deportation of residents for civil immigration purposes.
4. Great Barrington police and any other Town agencies will not profile groups, i.e. not contact, detain, or arrest based only on demographic characteristics, including immigration status.
5. Great Barrington will not use Town funds or resources to assist in federal immigration detention and arrest processes, except in criminal cases.
6. Great Barrington will follow public record laws and will not, except as required by law, collect, keep or distribute information about any individual or group based on demographic characteristics, including immigration status for any other purpose.
7. Great Barrington will provide training to Town employees regarding these policies and practices in alignment with accreditation requirements and serving the purpose of our Trust Policy.

Great Barrington Trust Policy Protocols

1. No Town participation in U.S. Immigration and Customs Enforcement (ICE) holds, arrests, detentions, or raids, or use of town resources to facilitate said activities, except in cases where ICE demonstrates a criminal warrant signed by a judge and based probable cause.
2. No responding to ICE requests seeking information outside of a criminal warrant, or providing access to local records and databases.
3. Any individual subject to an immigration hold, administrative warrant, notification request, or contact with ICE, where Great Barrington law enforcement acquiesces to the

ICE request, shall be provided with a copy of the ICE request and any other documentation pertaining to their case that is presented to the law enforcement agency.

4. In furtherance of the US Victims of Trafficking and Violence Prevention Act, Town of Great Barrington law enforcement shall consider and sign a U Visa certification request if an individual is:

(a) The victim of a qualifying crime, and

(b) Has been, is being, or will likely be helpful in the investigation/prosecution of that crime.

5. Make reports publicly available of ICE activity in Town including but not limited to holds, reimbursements, and removals.

6. Develop a formal process for addressing violation of Trust Policy Commitments at Selectboard meetings and in collaboration with a proposed Residents' or Human Rights Commission to be established at a later time.

Recommended by the Selectboard

ARTICLE 26: (by petition)

Trust Policy & Order

To see if the Town will vote to adopt a Trust Policy resolution as follows:

PREAMBLE

WHEREAS the current administration has clarified in his Executive Order of January 25, 2017, that the President deportation force will first prioritize anyone considered a criminal, expanding that term even further to mean those arrested by police or accused of any crime.

WHEREAS at the same time, his regime has also pledged to vastly increase the presence of law enforcement, disproportionately in communities of color.

WHEREAS this rhetoric of deporting "criminals," will have an easy job as long as local governments continue to criminalize Black, Latino, and poor neighborhoods.

WHEREAS if safety and inclusion is a pledge to make our cities truly safe and welcoming for their residents, we must commit to separate police from federal immigration enforcement.

WHERE secure communities as a concept must evolve and be expanded and it can be a call that unites broad swaths of institutions and civil society if it is based in the belief that there are more agencies to address than simply ICE, more people in need of refuge than solely undocumented immigrants and more need of collective protection to be extended to all communities facing criminalization and persecution against all the agencies that threaten us.

WHEREAS defending undocumented immigrants and refugees who call our cities home requires protecting them from the racialized policing.

WHEREAS cities and communities have no legal obligation to help enforce federal immigration laws and limiting whether police actively investigate someone's immigration status, or if immigration

authorities have access to jails to do the same, represents the minimum today; not the standard.

WHEREAS Great Barrington Police Department has also joined other Police Departments in the Commonwealth and our state police in making a statement on community relations in Resolution Number XXXX.

WHEREAS in that resolution has been stated that we want our immigrant population to know that local police will continue to be committed to building and maintaining positive relationships within the community and that they will continue and always be there to serve everyone in our community and have zero tolerance for bullying or harassment.

WHEREAS the Great Barrington Police Department has also affirmed they do not investigate civil immigration laws, as this role falls to the federal government and all of our residents should be completely confident that their local police department is here to assist them in a crisis situation.

WHEREAS has been affirmed that Municipal police exist to ensure public safety and security, and the Town of Great Barrington has worked hard to ensure that there are strong, positive relationships among all groups in this community and they will continue in this manner moving forward.

WHEREAS we the people of Great Barrington acknowledge that our immigrant populations has served as an integral part of our labor force ranging from tourism, to the restaurant industry, to healthcare providers, to farmworkers, to business owners and beyond.

WHEREAS the Town of Great Barrington has recognized the need to provide a secure community for all residents by protecting, respecting, valuing and welcoming all residents as community members including undocumented residents, asylum-seekers and refugees and by keeping our Great Barrington families together and safe regardless of immigration status providing access to basic human rights including education, health care, fair labor policy and due process.

As per the Town Mission, we, the residents of Great Barrington RESOLVE to designate the town of Great Barrington as a secure, inclusive and welcoming community, with its commitment to the following principles, policies and procedures to be followed uniformly throughout our town.

1. PRINCIPLES:

1.1 The town of Great Barrington will ensure the civil liberties of all persons and enforce protection from discrimination on the basis of race, skin color, national or ethnic origin, gender, sexual orientation, mental or physical disability, immigration status, religious or political opinion or activity, or homed or homeless status;

1.2 The Town of Great Barrington will equally enforce the law and serve the public without consideration of status. Citizenship, immigration status, lack of immigration documentation, national origin, race, ethnicity, gender, sexual orientation, and religion shall have no bearing on an individual's treatment by Great Barrington Law Enforcement, including but not limited to classification status, eligibility for alternative to incarceration programs, right to release on bail, or on decisions to initiate stops, make arrests, or extend the length of custody.

1.3 The Town of Great Barrington will not enforce federal immigration law or seek the detention, transfer or deportation of Great Barrington residents for civil immigration purposes.

1.4 The town of Great Barrington will refuse the profiling of groups within its community in the selection of individuals, checkpoints or areas to investigate. Therefore, under no circumstances shall a person be contacted, detained, or arrested by Great Barrington Law Enforcement based on immigration status, whether known or unknown.

1.5 The town of Great Barrington prohibit the use of funds or resources to assist in the surveillance or detention of individuals based on their race, skin color, national or ethnic origin, gender, sexual orientation, mental or physical disability, immigration status, religious, political or social affiliations, professed beliefs, and homed or homeless status;

1.6 The town of Great Barrington will not collect, keep or distribute information about any individual or group based exclusively on their immigration status, political, religious or social affiliations and professed beliefs.

1.7 The Town of Great Barrington will commit to provide annual training to our town employees regarding the policies and practices of building a secure community for all populations.

2. POLICY

For the purposes of making clear the mandates of this policy the town of Great Barrington will adopt the following definitions and orders:

2.1 DEFINITIONS

2.1.1 “Immigration & Customs Enforcement” (or “ICE”) is the agency within the US Department of Homeland Security with primary responsibility to investigate and enforce immigration law.

2.1.2 “Immigration Holds” are requests, often called “ICE holds” or “immigration detainers”, by federal immigration officials, including but not limited to those using federal form I-247 (authorized under Section 287.7 of Title 8 of the Code of Federal Regulations) to local Law Enforcement to voluntarily maintain custody of an individual once that individual is released from local custody.

2.1.3 “Administrative warrant” means a warrant, notice to appear, removal order, warrant of deportation, or other ICE custody document (I-200, I-203, I-205 or another listed in the National Crime Information Database (NCIC)) issued by a federal immigration official, not a judicial officer, and not based on a finding of probable cause for an alleged criminal law violation.

2.1.4 “Released from local custody” means an individual may be released from the custody of a Law Enforcement agency because any of the following conditions has occurred:

- (a) All criminal charges against the individual have been dropped or dismissed;
- (b) The individual has been acquitted of all criminal charges filed against him or her; (c) The individual has served the time required for his or her sentence;
- (d) The individual has posted a bail or bond, or has been released on their own recognizance;

- (e) The individual has been referred to pre-trial diversion services;
- (f) The individual has been sentenced to an alternative to incarceration, including but not limited, to a rehabilitation facility;
- (g) The individual is otherwise eligible for release under state or local law.

2.2

ORDERS

2.2.1 ICE holds or administrative warrants. Unless ICE demonstrates a criminal warrant signed by a judge and based on probable cause, no officer or employee of a Great Barrington Law Enforcement agency shall arrest or detain an individual solely on the basis of an immigration hold or administrative warrant. This includes extending length of custody by any amount of time once an individual is released from local custody.

2.2.2 ICE notification requests. No officer or employee of a Law Enforcement agency of Great Barrington shall respond to any ICE notification request seeking information about an individual's incarceration status, length of detention, home address, work address, personal information, hearing information, or pending release.

2.2.3 ICE access to records or facilities. Unless ICE demonstrates a criminal warrant signed by a judge and based on probable cause, no officer or employee of a Great Barrington Law Enforcement agency shall allow ICE agents access to or use of facilities, records/databases, booking lists, or individuals in custody either in person or via telephone or videoconference.

2.2.4 Individuals subject to ICE interventions. Any individual subject to an immigration hold, administrative warrant, notification request, or contact with ICE, where Great Barrington Law Enforcement acquiesces to the ICE request, shall be provided with a copy of the ICE request and any other documentation pertaining to their case that is presented to the Law Enforcement agency.

2.2.5 U Visa Certification. In furtherance of the US Victims of Trafficking and Violence Prevention Act, City of Great Barrington, Law Enforcement shall consider and sign a U Visa certification request if an individual is:

- (a.) The victim of a qualifying crime, and
- (b) Have been, are being, or will likely be helpful in the investigation/prosecution of that crime.

2.2.6 Raids. No officer or employee of any Great Barrington agency or department may participate in an operation led by a federal agency to detain persons for deportation purposes.

2.2.7 Compliance with federal law. Nothing in this Section shall be construed to prohibit any Great Barrington agency or department from providing another law enforcement agency information that is required to be provided by state or federal law, including 8 U.S.C. § 1373.

2.2.8 Community Concerns and Complaints. Allegations of violations of the present TRUST policy and order shall be publicly reported with the Great Barrington Town Manager.

Concerns and complaints will be subject to review by an advisory committee composed of representatives from but not limited to: Multicultural BRIDGE, Community Health Program and

Berkshire Interfaith Organizing.

2.2.9 Police Reporting. Beginning on [date] and on every other month thereafter, the Great Barrington Police Chief shall submit a report, with the information detailed below, to the Town Clerk, forward to the Town Manager, docket said report, and include the docket on the agenda of the next-occurring meeting of the Selectboard.

- (a) The total number ICE holds, administrative warrants, and notification requests lodged with City Law Enforcement officials, organized by the reason(s) given for the request;
- (b) The total number of individuals detained on an ICE hold or administrative warrant, if any;
- (c) The total number of individuals transferred to ICE custody, if any; and
- (d) The total reimbursements received from the federal government pursuant to any granted hold, administrative warrant, or notification request, organized by case.

ARTICLE 27: (by petition)

To see whether the Town will vote to transfer a portion of the land between Gilmore Avenue and Hillside Avenue north of the Southern Berkshire District Court (“former Dewey School”) identified below, to the charge of the Great Barrington Parks Commission, to be held and managed by the Parks Commission as a public park under the specific care, custody and control of the Park Commission, pursuant to Chapter 45, Section 3 of the General Laws.

The parcel to be transferred to the Parks Commission is a portion of the lot identified in the records of the Tax Assessor as Map 14, Lot 60. The portion to be transferred to the Parks Commission is a .81 acre northern portion of the lot (now a large open, flat grassy field with baseball backstop and basketball hoop) to the north of the existing Southern Berkshire District Court as shown on the attached DEWEY PARK Proposed Town Park Plan.

ARTICLE 28: (by petition)

Petition to the Great Barrington Select Board and Berkshire Hills Regional District School Committee:

We, the people of Great Barrington are submitting this petition for a vote at the next Town Meeting.

WEREAS:

- Public school enrollment has steadily declined over the past 15 years and is projected to continue to do so,
- Students no longer have access to a full complement of courses needed to prepare for their careers, further, there is no vocational school within reasonable proximity of South County
- Yet expenses continue to increase due to many factors.

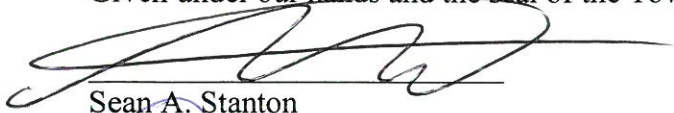
BE IT RESOLVED: The School Committee and the Select Board take necessary steps to create a formal delegation of school committee members, town officials and citizens to open discussion with other School Districts and towns to create an expanded regional high school.

The goals are to increase the education curriculum while reducing overhead costs across the South County for towns that wish to participate. The aim is to expand Vo-Tech options and academic course which have disappeared.

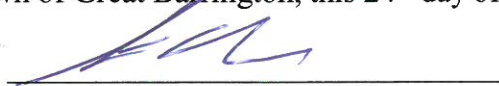
We believe this is a necessary step to “right-size” our high school. Expanding our high school district would eliminate the need for, and inequitable tax impact of, choice-in and tuition-in programs that generate administrative work and financial imbalances. On the positive side, district expansion should stabilize educational support for our participating communities.

HEREOF FAIL NOT, and of this Warrant and your doings thereon, make due return to the Clerk of said Town at or before the time and place of said meeting.

Given under our hands and the seal of the Town of Great Barrington, this 24th day of April, 2017.



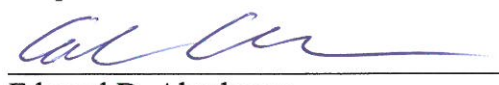
Sean A. Stanton



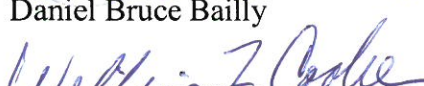
Stephen C. Bannon



Daniel Bruce Bailly



Edward D. Abrahams



William F. Cooke

Selectboard of the Town of Great Barrington

A TRUE COPY ATTEST:



William R. Walsh, Chief of Police
Town of Great Barrington

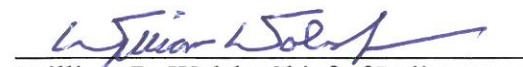
COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, SS.

I hereby certify that I have served the foregoing warrant by posting duly attested copies thereof in the following places in the Town of Great Barrington, namely:

The vestibule of the Town Hall Building and the Post Office in the Town of Great Barrington, the post office in the Village of Housatonic, Mason Library in the Town of Great Barrington, and the Ramsdell Library in the Village of Housatonic, seven days, at least before the time of holding the within mentioned Town Meeting.

WITNESS my hand and seal this 24th day of April, 2017.



William R. Walsh, Chief of Police
Town of Great Barrington