

Mark Pruhenski
Town Manager

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TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

REVISED: Item 7. e. added for discussion only

Selectboard Meeting via Zoom

Order of Agenda for Monday, February 28, 2022, at 6:00 PM

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84727797185?pwd=NDFRUjFITE12eDN3bE5LaTNBQ0RmZz09>

Webinar ID: 84727797185

Dial-in, audio-only: (929) 205 6099

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's June 16, 2021 Revised Order extending remote participation by all members in any meeting of a public body, this meeting of the Great Barrington Selectboard will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on town's website, at www.townofgb.org. For this meeting, members of the public who wish to listen to the meeting may do so in the following manner: See instructions at the top of the agenda. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means.

*****ALL VOTES ARE ROLL CALL*****

1. CALL TO ORDER SELECTBOARD REGULAR MEETING
2. APPROVAL OF MINUTES
 - a. January 18, 2022
 - b. January 31, 2022
 - c. February 1, 2022-Joint Budget Meeting
 - d. February 2, 2022-Joint Budget Meeting
3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS
4. TOWN MANAGER'S REPORT
 - a. Housatonic Water Works
 - b. Housatonic School Marketing Update
 - c. FY23 Budget Public Hearing- Tuesday March 1st/6:00 PM
5. LICENSES AND PERMITS
 - a. Paul Joffe of Great Barrington Coffee, LLC d/b/a Flying Church Coffee at 200 Main Street for an annual Common Victualler License

6. PREVIOUS BUSINESS

- a. Continued discussion on the proposed Short Term Rental bylaw.

7. NEW BUSINESS

- a. Placement of Library Trustees Vacancy on May 10, 2022 Ballot
- b. Appointment of two new members to the Affordable Housing Trust Fund
- c. Application for FY22 District Local Technical Assistance funds from Berkshire Regional Planning: review applications and authorize Chair to sign the applications as Chief Elected Official
- d. Referral of an additional proposed zoning amendments to the Planning Board for a public hearing
- e. Affordable Housing (discussion only)

8. CITIZEN SPEAK TIME

Citizen Speak Time is an opportunity for the Selectboard to listen to residents. Topics of particular concern or importance may be placed on a future agenda for discussion. This time is reserved for town residents only unless otherwise permitted by the chair, and speakers are limited to 3 minutes each.

9. SELECTBOARD'S TIME

10. MEDIA TIME

11. ADJOURNMENT

NEXT SELECTBOARD MEETING

March 7, 2022

March 28, 2022

March 30, 2022

April 11, 2022

Finance Committee Public Budget Hearing March 1, 2022



Mark Pruhenski, Town Manager

Pursuant to MGL. 7c. 30A sec. 20 (f), after notifying the chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body, or may transmit the meeting through any medium. At the beginning of the meeting, the chair shall inform other attendees of any such recordings. Any member of the public wishing to speak at the meeting must receive permission of the chair. The listings of agenda items are those reasonably anticipated by the chair, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may be brought up for discussion to the extent permitted by law.

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF GREAT BARRINGTON
APPLICATION FOR COMMON VICTUALLER LICENSE**

FEE: \$25.00 (Payable to the Town of Great Barrington) DATE: 2/15/22

NOTICE:

As provided by MGL Chapter 140, the sale of food for immediate consumption on the premises of the vendor has an intimate relation to the public health, and such activity cannot be conducted without the proper license and permit.

TO THE LICENSING AUTHORITY:

The undersigned hereby applies for a Common Victualler License in accordance with the provisions relating thereto:

OWNER(S) NAME: PAUL JOFFE

NAME OF BUSINESS: GREAT BARRINGTON COFFEE, LLC

D/B/A (if applicable): FLYING CHURCH COFFEE

BUSINESS MAILING ADDRESS: 390 TAMARIDGE WAY, NEW MARLBOROUGH, MA 01230

BUSINESS TELEPHONE: 413-528-6242 HOME TELEPHONE: 917-693-3292

LOCATION WHERE LICENSE IS TO BE USED: 200 MAIN STREET,
GREAT BARRINGTON, MA 01230


DAYS OF OPERATION: 7 DAYS PER WEEK

HOURS OF OPERATION: 6AM - 6PM

DESCRIPTION OF PREMISES: COFFEE BEVERAGE SHOP

Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

GREAT BARRINGTON COFFEE, LLC
Signature of Individual or Corporate Name

By: PAUL JOFFE 
Corporate Officer (if applicable)

SS# _____ or FID# 84-3603936

For 2/28/22 meeting: see highlights on page 4. See also purple italics throughout

Draft for 1/31/22 SB meeting
Updated for 2/14/22 meeting based on 1/31/22 discussion
Green = decided / discussed 2/14/22
Purple italics = staff suggestions for 2/28/22

SHORT-TERM RENTAL OF RESIDENTIAL PROPERTIES

Voted 1/31/22 to be a general as opposed to zoning bylaw, intention to treat all zones the same

Purpose and Intent. Pursuant to the authority of G.L. c.64G, the Town establishes these regulations in order to balance private, neighborhood, and municipal interest, including:

- enabling **residents Owners** to earn extra money from their properties to better afford to live here, maintain their properties, and contribute to the community; [CR Comment: question at 1/24 meeting about the term “residents”? Choose that term if you allow tenants to STR their units / or use “property owners” instead if you will not allow tenants to STR their units]
- minimizing public safety and health risks; and,
- deterring commercial interests from buying housing to use primarily as short-term rental businesses.

Definitions. For this Bylaw, the following terms shall have the definitions indicated.

~~*Booking Agent.* Any person or entity that facilitates reservations or collects payment for a Short Term Rental on behalf of or for an Operator.~~ [CR Comment: Proposed for deletion. I don’t think it is needed since this is not discussing or regulating the booking agents.]

Inspector. The Building Inspector of the Town of Great Barrington or his or her designee.

Operator. An owner [, or their legal designee,] of a Residential Unit who seeks to offer said Residential Unit as a Short-Term Rental.

Definition suggested on 1/31/22:

Owner. Any Person, who alone or severally with others has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee or other person appointed by the courts. A person whose sole interest in any building, dwelling unit, or portion thereof is solely that of a lessee under a lease agreement shall not be considered an owner.

[CR: considering previous discussion of how to include people not necessarily on the deed or official Owners... you may want to insert a provision for Trusts – e.g. trustees are considered owners, where beneficiaries are not.]

[CR comment: legal designee above may be too vague. I might suggest the definition include the owner’s “spouse or an immediate family member” which are easily verified by typical official documents.]

~~*Primary Residence.* A Residential Unit in which an Operator resides for at least six months out of a twelve month period.~~ [CR Comment: Proposed for deletion. It’s not needed if there is no distinction between primary and second homes.]

~~*Proof of Primary Residence.* A copy of the deed, driver’s license, or state issued identification, as well as one other document showing residency at the Residential Unit for the Short Term rental, such as utility bill, motor vehicle or voter registration.~~ [CR Comment: Proposed for deletion. It’s not needed if

Updated for 2/14/22

Updated based on 2/14/22

Staff's suggestions for 2/28 meeting

there is no distinction between primary and second homes.]

Residential Unit. A dwelling unit or a secondary dwelling unit located on the same tax parcel as the principal dwelling, classified under the Building Code as residential use.

Secondary Unit: An additional, self-contained dwelling unit located in the same structure or on the same tax parcel as the Operator's residence and owned by the same unique owner. [CR Comment: This definition would include ADUs on the same parcel or in the same structure as Operator's Residential Unit. And it would include the extra apartment in a two or three family house (i.e., Operator lives in upstairs in one, and STRs another unit in the building).]

Short-Term Rental. The rental of a whole or a portion of a Residential or Secondary Unit, in exchange for payment, as residential accommodations for a duration of not more than thirty consecutive days, excluding a Hotel, Motel, or Lodging House or Tourist Home for Transient Guests as defined and permitted under the Zoning Bylaw.

Rules and Regulations.

1. The following shall be prohibited from being offered as Short Term Rentals: [CR Comment: Stockbridge uses prohibitions a. and b. below.
Do you want to add another, to prohibit tenants from subleasing as STRs? I'm not sure what that would accomplish. It go against the first bullet above in Purpose. If you do not prohibit tenant STRs, then if a tenant registers an STR with the Town we should ensure they have Owner's permission]
 - a. Residential premises owned by a corporation, other than an LLC;
 - b. Residential premises designated as affordable or otherwise income restricted, which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law.
 - c. *Voted on 1/31/22 to not permit subleasing for short term rentals, so should add the prohibition here*
 - d. *[Considering the third bullet under purposes, should this expressly exclude any entities, LLCs, partnerships etc that are not natural persons? But LLCs and trusts that are owned by natural persons could still be allowed to have STRs]*
2. Short Term Rentals shall not be rented for more than a total of 90 nights per calendar year when the Operator is not residing on premises. When the Operator is residing on premises, there shall be no such limit. If more than one dwelling unit exists on a single parcel, the 90 nights applies to the parcel as a whole, not to each unit. *[1/31/22 meeting - no agreement on #for an annual cap] voted 2/14/22 for 90 days*

[CR Comment: Items 3, 4, and 5 below are intended to capture the following items the SB has previously discussed:

How many parties at once?

How many total people?

Can multiple dwellings on one parcel be used?

Also, I have eliminated the limitation based on people per bedroom, and just made it a max of 10 in a party on one premises.]

3. A Short-Term Rental shall be rented to only one party of short-term renters at a time, not rented as separate units, bedrooms, beds, or spaces to separate parties. *All ok*

Updated for 2/14/22

Updated based on 2/14/22

Staff's suggestions for 2/28 meeting

4. A Short-Term Rental shall be limited to a maximum of 10 guests. *Table for further research on capacity.*
[CR: considering previous discussion of this topic, including trying to prevent overcrowding but also be flexible enough for families... consider limiting to 2 persons per bedroom plus an addition _2_ persons per property, up to a maximum of __10__ people, excluding children three years old and under]
5. A Secondary Unit may be offered as a Short-Term Rental. However, only one Residential Unit per parcel at a time shall be offered as a Short-Term Rental, unless the same party of short-term renters rents multiple units on the same parcel at the same time under the same contract, parcel, multiple units may be utilized as Short Term Rentals, subject to all other limitations of this Chapter including the total number of nights per year and the total number of renters. *ok*
Do you want to discuss whether or not one operator could offer multiple properties for STR, under separate contracts? Such as their own owner-occupied unit plus up to __1__ other STR in the town?
6. A Short-Term Rental shall not utilize the premises for holding commercial events or gatherings. Tents and amplified music shall be prohibited. *ok*
- ~~7. A Residential Unit offered as a Short-Term Rental shall provide all necessary parking on-site.~~
8. No sign shall be posted on the exterior of the premises to advertise the availability of the Short-Term Rental to the public. *ok*
9. All exterior trash and recycling areas shall be screened from view from the street and abutting properties residentially used or zoned. *ok*
10. Renting for an hourly rate or for rental durations of fewer than ten consecutive hours shall be prohibited. *Come back to this*
[no reason not to leave this in]
11. Smoke Detectors and Carbon Monoxide Alarms. Each unit offered as a Short-Term Rental shall contain functional smoke detectors and carbon monoxide alarms. The Operator shall also provide and maintain one 2.5 lb. multi-purpose fire extinguisher in all dwelling units that are offered as a Short-Term Rentals. Extinguishers shall be maintained or replaced in accordance with the manufacturer's specifications. Operators shall test and perform maintenance on every smoke detector, carbon monoxide alarm upon renewal of the Short Term Rental Registration. Any detector or alarm found to be defective shall be repaired or replaced forthwith. The Occupant(s) shall be notified to report faulty or inoperative smoke detector unit(s) and carbon monoxide alarm(s) to, first, the Operator and, second, the Inspector. The above requirements shall be the minimum, and all Short Term Rentals shall comply with applicable building, fire, and other applicable life safety and health codes.
12. The Inspector shall be permitted entry to conduct inspections, at the owner's expense, as may be required under local and state building, fire, health and safety codes.
13. No Outstanding Violations. The Residential Unit offered as a Short-Term Rental shall not have any outstanding building, sanitary, or fire code violations, orders of abatement, stop-work orders, or other requirements, laws, or regulations that prohibit the Operator from offering the Residential Unit as a

Short-Term Rental. If a violation or other order is issued, upon notice of said violation or order Short-Term Rental use shall be terminated until the violation has been cured or otherwise resolved.

14. Three or More Violations in a **One Year** Period. Should a property receive three or more violations within a **One Year** period under this article, or of any municipal ordinance, state law, or building code, any Residential Unit within the property shall be ineligible to be used as a Short Term Rental for six months from the third or subsequent violation.
15. Compliance and Interaction with Other Laws. Operators shall comply with all applicable federal, state, and local laws and codes, including but not limited to the Fair Housing Act, GL c. 151B and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings. Demonstration of compliance shall be in the form of a sworn affidavit submitted as part of the registration application to the Inspector prior to occupancy. **ok**
16. Retention of Records. The Operator shall retain and make available to the Inspector, upon written request records to demonstrate compliance with this Bylaw, including but not limited to: ~~records demonstrating the number of months that the Operator has resided or will reside in the Residential Unit, if applicable~~, and records demonstrating the number of days per year that the Residential Unit is offered as a Short-Term Rental. The Operator shall retain such records for **a minimum of three years as long as he or she desires to use the Residential Unit as a Short Term Rental.**
17. Notifications. The Operator shall post and maintain a sign on the inside of the Short-Term Rental on the entry-level, visible to and reasonably likely to be readily accessed by individuals utilizing the Short Term Rental, with the following information: **Chris to work on wordsmithing these based on 2/14/22 meeting**
 - (1) proof of registration;
 - (2) evacuation plan for the unit showing emergency exit routes and fire extinguisher location;
 - (3) instructions for recycling and the disposal of waste;
 - (4) information regarding the Town's parking regulations, if applicable, including but not limited to on-street parking limitations and overnight ban of on-street parking during winter months;
 - (5) local noise ordinances of the Town;
 - (6) contact information for a locally available contact designated to respond to all emergencies and problems that may arise during the rental period. Contact information must include a telephone number that is available twenty-four hours per day, seven days a week to tenants;
 - (7) the maximum number of occupants permitted in the unit.

End of 2/14/22 discussion

To do at 2/28/22 meeting:
- revisit owner / operator definition
- continue with following sections

Registration Required:

All Operators of Short Term Rentals shall register annually with the Selectboard, *and the Selectboard shall issue a registration certificate (or license or similar acknowledgement) for each properly registered Operator.* The Selectboard shall have the authority to set registration fees and require additional registration information as it deems necessary. At a minimum, the following information shall be provided with each registration:

Updated for 2/14/22

Updated based on 2/14/22

Staff's suggestions for 2/28 meeting

[CR Comment: Obviously the Board should add or subtract registration items if desired. I suggest the registration be with the Selectboard, as that is where Innholders must register. I also suggest requirement to sign up for the Code Red system too so at least the operator is aware of public emergencies.]

- a. Owner Name:
 - i. If owned by natural persons, the names and contact information of all natural persons.
 - ii. If owned by a Trust, the Trustee and Beneficiary Name and contact information.
 - iii. If owned by an LLC, the members of the LLC and their contact information.
- b. Primary Contact person: For instances when the Owner is not in residence, the name and contact information of the responsible person who will respond within 30 minutes in the event of any problem, complaint or emergency.
- c. The address of the unit(s?) to be offered as a Short Term Rental.*
- d. Copy of the certificate of registration with the Massachusetts Department of Revenue.
- e. Attestation that the Owner and Primary Contact Persons are signed up with the Town of Great Barrington's Code-Red "reverse 911" emergency notification system.
- f. Registrant(s) shall attest under the penalties of perjury to the following:
 - i. compliance with all local and state requirements for health and safety;
 - ii. that they have posted instructions at the rental for recycling, waste disposal, parking, and that they have posted the phone, cell phone, and email contact information of the Owner and/or the Primary Contact Person.
- g. Registration with the Town shall be valid for a maximum of one year, and shall expire annually on December 31 of each year.*
- h. Operators shall prominently display a copy of the registration certificate inside the front door of the registered short term rental.*

Penalties; Enforcement; Complaints.

No person or entity may offer a Residential Unit as a Short Term Rental in violation of this Bylaw. All violations of this Bylaw shall be penalized by a noncriminal disposition as provided for in G.L. c. 40, s. 21D and shall be subject to a fine of \$300 per day. Each day on which a violation exists shall be deemed a separate and distinct offense. Nothing herein shall be construed to preclude the Town from seeking any additional penalties or taking any additional enforcement action as allowed for by law.

(a) Complaints. A complaint alleging that a Short-Term Rental is in violation of this Bylaw or any applicable law, code, or regulation may be filed with the Inspector. The complaint must contain the Residential Unit's address, unit number, date and nature of the alleged violation(s), and name and contact information of the complainant.

(b) Review of Complaint. Within thirty (30) days after receipt of a complaint, the Inspector shall review the Complaint and refer it to the appropriate Town Department, official, Board, or Commission for findings. The Inspector shall not make a determination of a violation under any bylaw, regulation, or law vested within another body or official's jurisdiction, but may utilize such determinations as evidence of a violation of this bylaw. Upon a finding of a potential violation, the Inspector, or its designee, shall serve notice of the violation upon the Operator of the Short-Term Rental at issue, if such unit is listed on the Short-Term Rental Registry, and upon the owner or resident agent or owner of record of the premises at issue, if such unit is not listed on the Short-Term Rental Registry.

(c) Right to Hearing. A person upon whom a notice of violation has been served under this bylaw may request a hearing from the Inspector by filing a written petition requesting a hearing on the matter within fourteen (14) days of receipt of a notice of violation. The Inspector shall render a decision within a reasonable time after the close of the hearing. Any direction to correct conditions at the short-term rental and fines assessed shall be stayed until the Inspector issues his/her decision.

(d) Violations, Suspensions, and Fines.

Any person who offers a Residential Unit as a Short-Term Rentals, where such premises or unit is not an eligible Residential Unit, or offers otherwise eligible premises or units but has not complied with the registration requirements of this bylaw, shall be fined three hundred dollars (\$300) per violation per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

Short-Term Rentals found to be in violation of this Bylaw, or which are found to have any outstanding building, sanitary, or fire code violations, orders of abatement, or stop-work orders, or other requirements, laws, or regulations that prohibit the operation of the premises as a short-term rental, shall be suspended from the Short-Term Rental Registry and prohibited from operation until all violations have been cured or otherwise resolved.

The Inspector may enter into agreements with Booking Agents or any other third parties for assistance in enforcing the provisions of this Bylaw.

Additional Regulations.

The Inspector shall have the authority to promulgate regulations to carry out the provisions of this Bylaw.

Severability.

If any provision in this Bylaw shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

Effective Date.

The provisions of this Bylaw "Short-Term Rental of Residential Properties" shall take effect on January 1, 2023.

SHORT-TERM RENTAL OF RESIDENTIAL PROPERTIES

Purpose and Intent. Pursuant to the authority of G.L. c.64G, the Town establishes these regulations to balance private, neighborhood, and municipal interests, including:

1. Enabling residents to earn extra money from their properties to afford better to live here, maintain their properties, and contribute to the community;
2. minimizing public safety and health risks; and
3. deterring commercial interests from buying housing to use primarily as short-term rental businesses.

Definitions.

Owner. Any person who alone, or severally with others, has legal or beneficial interest in any dwelling unit. An Owner can be a single person, a marital unit, a group of people, or an LLC or Trust.

Resident-Owner. Any Owner who resides greater than 183 days, in the aggregate, in the Town of Great Barrington.

Short-Term Rental. The rental of a whole or a portion of a residential or secondary dwelling unit, in exchange for payment, as residential accommodations for not more than thirty consecutive days, excluding a Hotel, Motel, or Lodging House or Tourist Home for Transient Guests as defined and permitted under the Zoning Bylaw.

General Requirements For Short-Term Rentals:

1. Each unit shall post the following information in a conspicuous place: Short-Term Rental street address, instructions for recycling and waste disposal, local noise and leash ordinances, and contact information for a locally available contact.
2. Each unit shall contain functional smoke detectors, carbon monoxide alarms, and a properly maintained and charged multi-purpose fire extinguisher.
3. A Short-Term Rental is not allowed on any property with outstanding violations of the Building Code, Fire Code, Board of Health, or Town General Bylaws.
4. The leasing or subleasing of a dwelling unit as a Short-Term Rental is prohibited.
5. Dwelling units owned by a corporation and offered as Short-Term Rentals are prohibited.
6. Short-Term Rentals are permitted in dwelling units owned by an LLC or Trust when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant.
7. Short-Term Rentals are prohibited in dwelling units designated as affordable or otherwise income-restricted.
8. Events that include amplified music or tents which would customarily require a license or permit are prohibited.
9. Signs advertising the Short-Term Rental are prohibited on the property.

Short-Term Rental of Rooms and Secondary Units.

Up to two bedrooms in a dwelling unit or a secondary unit on the same parcel may be rented year-round by right, provided that the Resident-Owner is in residence on the property at the time of the rental.

Short-Term Rental of Entire Dwelling Units.

An entire dwelling unit may be rented up to 90 days per calendar year by right.

Registration.

By obtaining a Short-Term Rental license, a Resident-Owner can offer two dwelling units for Short-Term Rental use providing one is their primary residence. A non-resident investor or part-year resident can offer only one unit for Short-Term Rental use. All Owners shall register annually with the Selectboard to receive a Short-Term Rental License. A formatted application approved by the Selectboard will be available. Upon approval of an application, the applicant will be given a registration number to be displayed in all listings and at the Short-Term Rental property. An Owner may hire a property management company to list and manage Short-Term Rentals, provided the license is in the Owner's name. A married couple may have only one license. The licensing process requires an Owner to include the addresses of unit(s) to their license and list the names of all organization members if owned by a legal entity.

Effective Date.

The provisions of this Bylaw "Short-Term Rental of Residential Properties" shall take effect on January 1, 2023.

Leigh Davis
02.24.22

Jennifer L. Messina
Town Clerk

E-mail: jmessina@townofgb.org
www.townofgb.org



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TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN CLERK

EXECUTIVE SUMMARY

TITLE: **Resignation of Library Trustee**

BACKGROUND: The Town Clerk has received written notice from Kathleen Plungis that she is resigning from the Board of Library Trustees effective May 9, 2022. Ms. Plungis is closing in on the first year of her current 3 year term. Because we are still in the process of accepting nomination papers for the 2022 Annual Town Election, the Selectboard needs to request the Town Clerk to place the remaining 2 year term on the 2022 Annual Town Election ballot. This term will expire in May of 2024. As long as the Selectboard approves and votes on this matter at their February 28th meeting, it will give any registered voter looking to run for this 2 year term time to take out nomination papers and return them to the Town Clerk's office by March 18, 2022. We are required by law to give them a minimum of 15 days to take out papers and get signatures before the March 18th deadline.

FISCAL IMPACT: None

RECOMMENDATION: Instruct the Town Clerk to place the 2 year vacancy for the Library Trustee on the Annual Town Election ballot for May 10, 2022.

PREPARED AND REVIEWED BY:

Jennifer L. Messina

Jennifer L. Messina, Town Clerk

APPROVED BY: _____

Mark Pruhenski, Town Manager

DATE: February 24, 2022

Selectboard Meeting Packet for February 28, 2022
Item 7. b. Appointment of two new members to the Affordable Housing Trust

From: [Fred Clark](#)
To: [Carmen Morales](#); [Amy Pulver](#)
Cc: [Mark Pruhenski](#); [Chris Rembold](#)
Subject: GB Affordable Housing Trust Fund new members
Date: Tuesday, February 22, 2022 11:01:21 AM

****CAUTION:****
****This is an external email, be vigilant****
*****Do not click links or open attachments unless you recognize the sender (and their email address) and know the content is safe*****

At the recent meeting of the Affordable Housing Trust Fund the members voted to recommend to the Selectboard two new members. Krysia Kurzyca, [REDACTED] street and Ananda Timpane, [REDACTED] Road have accepted. Copies of email acceptance below. Please include on the next Selectboard agenda and let me know what they need to do before the next meeting, tentatively March 8.

There remains one vacancy on the Affordable Housing Trust Fund. We have one or two other people who have expressed interest.

Thank you
Yours,
Fred

From: [Krycia Kurzyca](#)
To: [Amy Pulver](#)
Subject: letter of intent
Date: Friday, May 7, 2021 2:32:52 PM

CAUTION:
This is an external email, be vigilant
Do not click links or open attachments unless you recognize the sender (and their email address) and know the content is safe

Please consider me as a candidate for membership in the Affordable Housing Trust . I've lived in Great Barrington for the last thirty years and have been observing the housing situation here drastically deteriorate, despite the town's efforts. The pandemic made the town practically unaffordable for most working locals, not to mention people on fixed incomes. I, myself, as disabled person who is able to afford an apartment with the help of a Section 8 voucher, lost any opportunity to move as most rents are now double my current rent, even after a recent \$200 increase. I would like to serve on this committee and contribute my time, passion, and experience for the betterment of the situation. Krycia Kurzyca

--

www.kryshaandrews.com

trust comes from direct experience of what's real

Selectboard Meeting Packet for February 28, 2022
Item 7. b. Appointment of two new members to the Affordable Housing Trust

From: [Mark Pruhenski](#)
To: [Ananda Timpane](#)
Cc: [Amy Pulver](#); [Carmen Morales](#); [Bill Cooke](#); fred3clark@yahoo.com; [Chris Rembold](#)
Subject: RE: Housing Trust
Date: Wednesday, February 2, 2022 11:16:18 AM

Excellent---thanks Ananda. That's great news.

I'm copying Fred and Bill on this email. The usual process is that the board or committee with a vacancy will invite you in to the next meeting and make a formal recommendation to the SB for your appointment.

Once we hear from the AHTF, we'll get you scheduled for appointment by the SB. --m



Mark Pruhenski
Town Manager
413-528-1619 ex 2
mpruhenski@townofgb.org
Pronouns: he/him/his
Town of Great Barrington
334 Main Street
Great Barrington MA 01230



The Secretary of State's office has determined that most e-mails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.

From: Ananda Timpane <ananda@rsyp.org>
Sent: Wednesday, February 2, 2022 10:55 AM
To: Mark Pruhenski <MPruhenski@Townofgb.org>
Subject: Housing Trust

****CAUTION:****
****This is an external email, be vigilant****
*****Do not click links or open attachments unless you recognize the sender (and their email address) and know the content is safe*****

Hi Mark,

I'd be interested in possibly serving in this area.

Ananda

Ananda Timpane, M.Ed.
Executive Director
Railroad Street Youth Project

(pronouns: she, her, hers)

c: 413-717-0467

www.rsyp.org

From: [Krysia Kurzyca](#)
To: [Amy Pulver](#)
Subject: letter of intent
Date: Friday, May 7, 2021 2:32:52 PM

****CAUTION:****
****This is an external email, be vigilant****
*****Do not click links or open attachments unless you recognize the sender (and their email address) and know the content is safe*****

Please consider me as a candidate for membership in the Affordable Housing Trust . I've lived in Great Barrington for the last thirty years and have been observing the housing situation here drastically deteriorate, despite the town's efforts. The pandemic made the town practically unaffordable for most working locals, not to mention people on fixed incomes. I, myself, as disabled person who is able to afford an apartment with the help of a Section 8 voucher, lost any opportunity to move as most rents are now double my current rent, even after a recent \$200 increase. I would like to serve on this committee and contribute my time, passion, and experience for the betterment of the situation. Krysia Kurzyca

--

www.kryshaandrews.com

trust comes from direct experience of what's real



Housing

**Request for Technical Assistance
District Local Technical Assistance Program, 2022**

PART 1. APPLICANT INFORMATION

Lead Municipality: Town of Great Barrington **Date:** 3/1/2022

Point of Contact, Lead Municipality, as designated by the governing body (please print):

Name: Chris Rembold

Title: Assistant Town Manager / Director of Planning & Community Development

Address: 334 Main Street, Great Barrington, MA 01230

Telephone: 413-528-1619, x. 2401 **E-mail:** crembold@townofgb.org

Partner Municipalities: (List all partner municipalities, contacts and contact information (e-mail and phone) from those municipalities:

--

Does your Municipality have a current signed Community Compact Cabinet Agreement?

Yes

No

If yes, for what Best Practice _____

Has your Municipality received or is it seeking Housing Choice Initiative designation?

Yes

No

PART 2. TYPE OF ASSISTANCE

Please check the type of assistance requested:

Housing Choice Initiative

Implements a Communities' Signed Community Compact Cabinet Best Practice

Community Compact Cabinet Activities

Planning Ahead for Housing

Planning Ahead for Growth

PART 3. ASSISTANCE PROPOSAL

Please attach a brief (one-page) summary of the project that addresses the following topics:

1. **Purpose:** Provide a concise statement of the purpose and type of assistance requested.

2. **Priority Funding Areas:** Provide a concise description of how your assistance request addresses one of the priority funding areas. If your request is to adopt or implement a signed Community Compact best practice, please identify that best practice. If your request is to seek Housing Choice Initiative designation, please describe how your community intends to obtain that designation.
3. **Project Background:** Briefly describe how the proposed project fits with other municipal objectives such as the implementation of activities set forth in a master plan or other planning document. If applicable, please describe any related projects recently completed or currently underway that directly relate to the proposed project. Please also note any planned action or investment that would or could potentially result from the successful completion of the proposed action.
4. **Project Scope & Timeline:** Please list and provide a short description of the major tasks and anticipated timeline to achieve the proposed project, including the anticipated starting date.
5. **Desired Results:** Please provide a description of the results (deliverables or products) that are desired as an outcome of this project.
6. **Local Official/Staff Commitment:** Please provide a description of the municipal officials/committee members/ staff members who will be involved with this project, clearly identifying their roles.
7. **Local Match:** Please identify any voluntary in-kind or cash match

PART 4. APPLICATION SUBMITTAL PROCESS

Applications are due by 5:00 pm March 4, 2022.

A word version of this application is in the News and Announcements section of the BRPC website, BRPC - Berkshire Regional Planning Commission (berkshireplanning.org)

IMPORTANT:

Application packets must be sent via email only to:

Thomas Matuszko, Executive Director
1 Fenn Street, Suite 201
Pittsfield, MA 01201
tmatuszko@berkshireplanning.org
Fax (413) 442-1523

Please note that any awards made under this solicitation are contingent on the continuing availability of funds provided to BRPC from the Commonwealth of Massachusetts. BRPC reserves the right to re-direct funds to respond to the COVID-19 crisis if necessary.

PART 5. AUTHORIZED SIGNATURE

Please include the signature of the Chief Elected Official authorizing you to submit this request.

Name Stephen Bannon Date 2/28/2022
Title Chair, Selectboard
Signature _____
(MAYOR/SELECT BOARD CHAIR)

1. **Purpose:** The Town of Great Barrington seeks 2022 DLTA assistance to investigate and implement local strategies to stimulate housing production.
2. **Priority Funding Area:** “Planning Ahead for Housing”
3. **Project Background:** The Town seeks DLTA assistance to review possible zoning and financial strategies to stimulate housing production. The Planning Board and Selectboard joint subcommittee on affordable housing has been discussing strategies to increase the supply of affordable housing. This past year the Planning Board, with DLTA assistance, examined a possible zoning change on Stockbridge Road to stimulate more housing production. While the Planning Board did not move this forward for the June 2022 Town Meeting, it did agree to continue to study this and similar proposals. In addition the Selectboard and the Affordable Housing Trust have been supportive of a variety of initiatives that could help stimulate housing production, including affordable and so-called workforce housing.
4. **Project Scope & Timeline:** Great Barrington seeks BRPC assistance in the following areas:
 - (1) Planning and Zoning initiatives: investigating additional tools to stimulate by-right production of affordable rental and workforce housing, including local-option overlay districts similar to Smart Growth Zoning and Compact Neighborhood Zoning, density bonuses, and other regulatory tools, and determine whether Housing Production Plan would be useful to a town like Great Barrington which has or will soon achieve its 40B safe harbor level of 10% SHI.
 - (2) Financial initiatives: investigate the pros and cons, approval process, fiscal impacts, etc. of establishing local financial incentives to stimulate production of year-round housing units, for example:
 - a. tax incentives to landlords who rent housing units at an affordable level and on a long-term basis (as opposed to short term rentals);
 - b. stipends or grants to landlords who keep rent below a designated level;
 - c. buying out units that are rented on a short term basis so they are rented on a long-term basis instead;
 - d. buying affordable housing restrictions in order to preserve existing housing;
 - e. exempting or deferring the increased property value caused by the addition of a dwelling unit if the units are rented at affordable levels or on other terms that provide a community benefit (similar to the state’s program for Gateway Cities called the “Housing Development Incentive Program”).
5. **Desired Results:** This work would involve presenting best practice research to town staff and boards, determining if and how the strategies can be implemented (do they need state legislation, for example) and evaluating potential housing production numbers and fiscal impacts. The zoning work may include analysis of existing conditions and assisting in drafting new zoning text and maps for community discussion.
6. **Local Official/Staff Commitment:** The Assistant Town Manager / Director of Planning and Community Development will be the principal contract administrator for this DLTA, receiving deliverables, assisting in drafting text, convening stakeholders, and coordinating meetings.
7. **Local Match:** The Town will provide an in-kind match of staff time and expects that at least one member from each of the Planning Board, Selectboard, and Affordable Housing Trust would form a core team of volunteers to assist with the project.

OSRP



**Request for Technical Assistance
District Local Technical Assistance Program, 2022**

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PART 5. AUTHORIZED SIGNATURE

Please include the signature of the Chief Elected Official authorizing you to submit this request.

Name Stephen Bannon Date 2/28/2022
Title Chair, Selectboard
Signature _____
(MAYOR/SELECT BOARD CHAIR)

1. **Purpose:** The Town of Great Barrington seeks 2022 DLTA assistance to complete the update of its Open Space and Recreation Plan (OSRP).
2. **Priority Funding Area:** This project fits into the “Sustainable Development and Land Protection” area of the Community Compact, and the activity entitled “Complete a Master or Open Space & Recreation Plan to guide land conservation & development decisions including zoning & land acquisition.” This is also a “Planning Ahead for Growth” strategy, as it is an update of a section of a municipal master plan which informs the Town’s growth and development.
3. **Project Background:** The Town’s 2013 OSRP expired in 2018. With the assistance of DLTA in 2018, BRPC provided new maps and updated local demographic and land use data for use in an updated plan. In 2019, the Town created an Open Space and Recreation Plan task force to guide the update of the OSRP and to engage the public in the planning process. With BRPC assistance, the task force created and launched an online public survey. The task force convened a community meeting on January 30, 2020. This meeting and the survey results were intended to help the task force craft an open space and recreation vision, a set of land conservation and recreation needs, and a priority list of land conservation and recreation actions. Unfortunately, the COVID-19 emergency that started in March 2020 shifted the Town’s priorities away from completion of this project until now.

The Town seeks to reconvene this process now. The Selectboard voted to list the OSRP update as one of its top strategic priorities. Beginning the OSRP update now will also enable us to incorporate the findings of the Town’s 2021-2026 Hazard Mitigation and Climate Change Plan, our 2021-2022 MVP action grant (to be completed by June), our 2022 agricultural planning grant (to be completed by June), our 2021-2022 Parks Asset Management and mapping project, and will enable us to update all of the Census data and the maps of conserved land.

4. **Project Scope & Timeline:** The project would be an OSRP update, utilizing the existing OSRP and the Commonwealth’s “Open Space and Recreation Plan Requirements.” This guidebook will be used to determine which elements need to be updated and how much public participation is needed. The Town will identify stakeholders and convene stakeholders into a committee or working group, and coordinate public meetings including venues. The Town seeks BRPC assistance to: (1) update, administer and analyze a survey (online and in print) to identify open space protection and recreation assets, needs, and prioritizing actions; (2) assist in presenting existing conditions maps and data at public meetings, including preparation of slide shows, maps, and presentation materials; and (3) assist in finalizing the OSRP for submittal to Mass DCR for approval. We seek to begin work immediately in April 2022.
5. **Desired Results:** Final Draft OSRP.
6. **Local Official/Staff Commitment:** The Assistant Town Manager / Director of Planning and Community Development will be the principal contract administrator for this DLTA, receiving deliverables, assisting in drafting text, convening stakeholders, and will help coordinate meetings. The Town will assist with translation of surveys and materials as well. Local boards will also be involved.
7. **Local Match:** The Town will provide an in-kind match of the staff time.



TOWN OF GREAT BARRINGTON
MASSACHUSETTS

PLANNING BOARD

February 25, 2022

Stephen Bannon, Chair
Great Barrington Selectboard

Re: Additional Proposed Zoning Bylaw Amendment for the 2022 Annual Town Meeting

Dear Steve:

Enclosed please find an additional proposed zoning amendment from the Planning Board for the next Annual Town Meeting. These revisions pertain to regulations governing a two-family residential use on a single lot.

We ask the Selectboard to refer this zoning proposal back to the Planning Board for a public hearing in accordance with MGL Ch. 40A, s.5, and to place these proposals on the Annual Town Meeting warrant. The Planning Board's public hearing for this item will be Thursday, March 24, 2022 at 6:00 PM.

Sincerely,

Brandee K. Nelson, Chair

cc: Mark Pruhenski, Town Manager
Jennifer Messina, Town Clerk
Chris Rembold, Assistant Town Manager
Edwin May, Building Inspector

Article ____: Two-Family Residential Use

Purpose of the Amendments: These amendments are proposed in order to correct internal inconsistencies in the Town's zoning regulations governing two-family residential uses, and to ensure that two-family residential use of a single lot in two separate principal structures is not overly restrictive. In 2014, the Town amended the zoning regulations to allow two-family use of a single lot. However those amendments inadvertently did not delete restrictive language in Sections 4.2.1 and 8.1.1 which could be interpreted in a way that makes it impossible to build two separate single family structures on otherwise conforming lots. This proposal will address that issue. This proposal also removes the requirement that a lot be twice the minimum size in order to have two separate single family structures on it.

To see if the Town will vote to amend Sections 4.2.1 and 8.1.1 of the Zoning Bylaw as set forth in this article.

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

Amend Sections 4.2.1 and 8.1.1 as follows:

4.2.1 More than One Principal Structure per Lot. In any zoning district, more than one building or structure housing a principal permitted use may be erected or placed on a single lot of record, provided that area, width, frontage, yard and other requirements of this Bylaw shall be met ~~for each building or structure as though it were on an individual lot, except as otherwise provided in this Bylaw.~~

8.1.1 General. The two-family residential use of a single lot is permitted as set forth in Section 3.1.4, Table of Use Regulations. For the purposes of this section, any two dwelling units on a single lot, whether in the same building or in separate buildings, shall be considered two-family residential use, except where ~~Section 4.2.1 or Section 8.2 applies. In the event of two dwelling units in separate buildings, all applicable requirements of this Bylaw shall apply.~~

Affordable Housing Suggestions For Review By Selectboard

Presented by Ed Abrahams on 2/28/22

Prepared with Pedro Pachano and Chris Rembold

The following programs are already in process and will, or have the potential of increasing the stock of housing. (These are programs that the Town has initiated/undertaken of our own initiative, as opposed to projects like Windrush Commons at 910 Main St which are undertaken by local housing organizations.)

40 Grove Street

Has been turned over to the Affordable Housing Trust and will be renovated into a single-family home with a deed restriction for affordable rents.

Housatonic School

RFP has gone out which includes housing as a priority use.

ARPA Funds

Approximately \$2 million is available and can be used to create affordable housing. A specific recommendation will come from staff very soon.

Housatonic Development (Habitat)

Approximately 20 units are in the pre-development stage

Additional possibilities that have been tried in other communities.

STR Community Impact Fee

A 3% fee can be added to certain STR stays in GB and that money can be dedicated to the Affordable Housing Trust. It would require the SB to put it on the Town Meeting Warrant and a majority vote at Town Meeting. (*This one is probably ready to go without much study.*)

Tax incentive to landlords

An annual deduction from RE taxes for people who rent apartments to low income tenants on an annual basis.

Stipends

A town provided stipend to landlords who keep rent below a designated level.

Buyout STR

Money paid by the town to an STR host in exchange for an agreement to rent annually instead.

Town financing

Make less expensive financing available to developers to lower their costs. The town can bond for land and building purchase and renovations, and then rent the site to a developer for an

amount that will pay back the bond. Includes an agreement to sell the property to the developer when the bond is paid off.

Tax increase deferral (Similar to a TIF)

Defer the increase in property value caused by the addition of a dwelling unit, if the owner rents the unit on an annual basis, and/or on other terms that provide a community benefit.

My recommendation is that we refer this list to staff for research and evaluation before bringing them to the SB, Finance Committee, and Affordable Housing Trust for comment.