

STEPHEN C. BANNON  
CHAIR

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TOWN OF GREAT BARRINGTON  
MASSACHUSETTS

SELECTBOARD  
AGENDA

SELECTBOARD SPECIAL MEETING  
TOWN HALL  
334 MAIN STREET  
FRIDAY, APRIL 12, 2019  
5:00 P.M.

- I. 5:00 PM Call to Order.
- II. Open Session.
- III. SB – Finalize Approval of 2019 Annual Town Meeting Warrant. (Discussion/Vote)
- IV. Citizen Speak Time.
- V. **CONVENE INTO EXECUTIVE SESSION** – Town Manager’s Conference Room  
To conduct Contract Negotiations with nonunion personnel (Town Manager’s Contract), **and Not to Reconvene into Open Session** (MGL c. 30A, sec. 21 (a) (2) if the Chair declares that an open meeting may have a detrimental effect on the Town’s negotiating position. A vote regarding whether to go into executive session is expected; and votes may occur during the executive session.

**Chair’s Declaration:**

I declare, under MGL c.30A, sec. 21(a)(2) that the purpose of the executive session will be to discuss contract negotiations because discussion of the foregoing in open session could have a detrimental effect on the negotiating position of the Town and with the Board **and Not to Return To Open Session** at the conclusion of the Executive Session.

**Motion Convening the Executive Session:**

I **move** that the Selectboard go into executive session under MGL c.30A, sec 21 (a)(2) for the purposes and reasons declared by the Chair and with the Board **Not to Return To Open Session** at the conclusion of the Executive Session.

**Roll Call Vote:**

- VI. Adjournment.

*Pursuant to MGL. c. 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 also be brought up for discussion to the extent permitted by law.*

TOWN OF GREAT BARRINGTON  
2019 ANNUAL TOWN MEETING  
MAY 6, 2019

INDEX OF WARRANT ARTICLES

1. Authorize Revolving Fund Limits.
2. Elected Officials' Salaries.
3. MassDOT Chapter 90 Funds.
4. FY20 Operating Budget.
5. FY20 Wastewater Treatment Plant Budget.
6. FY20 Regional School Assessment.
7. Borrowing Authorization for Capital Items.
8. Borrowing Authorization for Housatonic School.
9. Authorize use of Free Cash to reduce the Tax Levy.
10. Establish Capital Stabilization Fund.
11. Authorize Appropriation into Capital Stabilization Fund.
12. Community Preservation Fund Reserves/Appropriations.
13. Community Preservation Projects.
14. To Authorize the Selectboard to transfer the custody of property at 40 Grove Street to the GB Housing Trust Fund, for the purpose of issuing a request for proposals.
15. To require the owners of Short Term Rentals to register their property with the Town Clerk.
16. To pass a Resolution regarding limiting the number of Retail Marijuana Establishments.
17. To Authorize the Selectboard to Enter into a Tax Agreement for 671 Stockbridge Road.
18. To Authorize the Selectboard to Enter into Tax Increment Financing Agreement and Tax Increment Financing Plan with Community Development Corporation of South Berkshires.
19. To Authorize Selectboard to enter into an Agreement to Purchase Street Lights owned by National Grid.
20. To Authorize Selectboard to Enter into a Ten (10) Year Contract for Recycling Processing Services.
21. ZONING: Amendments to Clarify and Update the Bylaw.
22. ZONING: Amendments to Create Additional Housing Opportunities.
23. ZONING: Amendments to the B2 Zone and to the Zoning Map on Stockbridge Road.
24. To amend the Great Barrington Sign Bylaw to allow by special permit the free standing electronic signs for messaging at performance venues.
25. To Amend Great Barrington Bylaw to include the word "calendar" next to the word days for purposes of clarity in the by law that establishes the acceptance period for the Citizen Petitions from 30 days to 30 calendar days.
26. To Rename the Berkshire Hills Regional School District Middle School from Monument Valley Regional Middle School to the W.E.B. DuBois Regional Middle School. (by petition)
27. To Modify the Town Code Chapter 41, Article 1 subsection 41-7. (by petition)
28. To Modify the Town Code Chapter 135, Article II Subsections 135-6 through 135-9 called the water bottle ban. (by petition)

**ARTICLE 1:**

To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2020, beginning on July 1, 2019, for the revolving funds as established in the Town's by-laws for certain departments, boards, committees, commissions, agencies or officers in accordance with M.G.L. Chapter 44, Section 53E ½ as follows, or take any other action relative thereto.

| <b>Revolving Fund</b> | <b>Department, Board, Committee, Agency or Officer</b> | <b>FY2020 Spending Limit</b> |
|-----------------------|--|------------------------------|
| Plumbing Inspections  | Building Department                                    | \$15,000                     |
| Wiring Inspections    | Building Department                                    | \$50,000                     |
| Gas Inspections       | Building Department                                    | \$12,000                     |
| Cemetery              | Public Works Department                                | \$ 5,000                     |

**Recommended by the Finance Committee and Selectboard**

**ARTICLE 2:**

To see if the Town will vote to fix the salaries of all elected officials for the period of July 1, 2019 to June 30, 2020 as indicated below:

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

**Recommended by the Finance Committee and 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 (MassDOT), under the provisions of Chapter 90 of the Massachusetts 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 Selectboard**

**ARTICLE 4:**

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       | \$ 363,977 |
| Finance Committee/Reserve Fund | 100,300    |
| Town Accountant                | 144,300    |
| Technology                     | 208,628    |
| Assessors                      | 156,710    |
| Treasurer/Collector            | 215,941    |
| Town Clerk/Elections           | 128,588    |
| Conservation Commission        | 35,460     |

|  |         |
|--|---------|
| Historic District Commission             | 2,500   |
| Various Boards/Commission                | 15,470  |
| Planning Board                           | 5,250   |
| Zoning Board of Appeals                  | 1,350   |
| Office of Planning/Community Development | 106,490 |

**Public Safety**

|                                     |           |
|-------------------------------------|-----------|
| Police Department                   | 1,689,761 |
| Fire Department                     | 587,470   |
| Communications/Emergency Management | 27,027    |
| Building Inspector                  | 167,167   |
| Animal Control                      | 12,520    |

**Department of Public Works**

2,290,428

**Public Health**

|                 |         |
|-----------------|---------|
| Board of Health | 121,120 |
|-----------------|---------|

**Community Services**

|                   |         |
|-------------------|---------|
| Council on Aging  | 155,995 |
| Veterans' Affairs | 138,100 |
| Human Services    | 35,000  |

**Cultural/Recreation**

|                  |         |
|------------------|---------|
| Libraries        | 563,710 |
| Parks/Recreation | 98,750  |

**Miscellaneous**

|  |               |
|--|---------------|
| Insurance                                  | 1,696,750     |
| Debt Service                               | 1,661,150     |
| Retirement                                 | 856,960       |
| Celebrations/Seasonal/Events/Band Programs | <u>14,000</u> |

**Total General Fund Budget** \$ **11,600,872**

**Recommended by the Finance Committee and Selectboard**

**ARTICLE 5:**

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                | \$ 472,655     |
| Expenses                | 648,268        |
| Insurance/Benefits      | 286,610        |
| Miscellaneous/Transfers | 158,000        |
| Debt Service            | <u>644,066</u> |

**Total Wastewater Treatment Plant Budget** \$**2,209,599**

**Recommended by the Finance Committee and Selectboard**

**ARTICLE 6:**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Sixteen Million, One Hundred Thirty-Three Thousand, and Twenty-Seven Dollars (\$16,133,027) for the operating assessment, and Five Hundred Ninety-Seven Thousand, One Hundred and Thirty-Four Dollars (\$597,134) for the capital assessment, for a total assessment of Sixteen Million, Seven Hundred Thirty Thousand, One Hundred and Sixty-One Dollars (\$16,730,161) of the Berkshire Hills Regional School District, or take any other action relative thereto.

**Recommended by the Finance Committee and Selectboard**

**ARTICLE 7:**

To see if the Town will vote to appropriate \$7,982,000 or any other sum of money, in the following approximate amounts and for the following purposes:

|  |                    |
|--|--------------------|
| Street/Road/Sidewalk Improvements      | \$6,840,000        |
| Building Improvements                  | 400,000            |
| Police Cruisers (2)                    | 125,000            |
| Highway Dump Truck w/Plow & Sander (3) | 410,000            |
| Fire Turnout Gear                      | 70,000             |
| Police Portable Radios (6)             | 45,000             |
| Telecommunication Upgrades             | 50,000             |
| Parks and Open Space Improvements      | 42,000             |
| <b>Total</b>                           | <b>\$7,982,000</b> |

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 Selectboard**

**ARTICLE 8:**

To see if the Town will vote to appropriate \$650,000 for capital improvements to the Housatonic School, including the costs of a new roof, windows and masonry work, 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 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 2020, or to take any other action relative thereto.

**Recommended by the Finance Committee and Selectboard**

**ARTICLE 10: (requires 2/3 majority vote)**

To see if the Town will vote to create a Capital Stabilization Fund for the purpose of funding any capital-related project or piece of equipment or debt service payment related thereto, as authorized by Chapter 40, Section 5B of the General Laws, or to take any other action relative thereto.

**Recommended by the Finance Committee and Selectboard**

**ARTICLE 11:**

To see if the Town will vote to raise and appropriate a sum of money into the Capital Stabilization Fund, or take any other action relative thereto.

**Recommended by the Finance Committee and 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 FY20, with each item considered a separate appropriation; or to take any other action relative thereto.

Reserves:

|   |           |
|---|-----------|
| From FY20 revenues for historic resources reserve | \$ 50,000 |
| From FY20 revenues for community housing reserve  | \$ 50,000 |
| From FY20 revenues for open space reserve         | \$ 50,000 |

Appropriations:

|  |            |
|--|------------|
| From FY20 revenues for administrative expenses     | \$ 20,000  |
| Balance of FY20 revenues for FY20 budgeted reserve | \$ 330,000 |

**Recommended by the Community Preservation Committee**

**ARTICLE 13:**

To see if the Town will vote to appropriate from the Community Preservation Fund for FY20 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<br>Appropriation | Source of Appropriation |                          |
|---|------------------------|-------------------------|--------------------------|
|   |                        | FY20<br>Revenues        | Reserved Fund<br>Balance |
| <b>AFFORDABLE HOUSING</b>   |                        |                         |                          |
| 1 Housing Trust Fund - downpayment program  | \$100,000              | \$100,000               |                          |
| 2 CDC to create new housing at 910 Main   | <u>\$200,000</u>       | \$200,000               |                          |
| Subtotal  | \$300,000              |                         |                          |
| <b>HISTORIC RESOURCES</b>   |                        |                         |                          |
| 3 Historic District Commission for historic research for Taconic West Historic district | \$27,000               | \$27,000                |                          |
| 4 Ramsdell Library building study   | \$30,000               | \$30,000                |                          |
| 5 Preservation of Housatonic School   | \$300,000              |                         | \$300,000                |
| 6 Accessibility renovations at Mahaiwe Theater  | <u>\$34,500</u>        | \$34,500                |                          |
| Subtotal  | \$391,500              |                         |                          |
| <b>OPEN SPACE &amp; RECREATION</b>  |                        |                         |                          |

|   |   |                  |           |           |
|---|---|------------------|-----------|-----------|
| 7 | McAllister wildlife refuge project  | \$31,300         | \$31,300  |           |
| 8 | Permanent Agricultural Preservation Restriction<br>180-190 North Plain Rd | <u>\$92,000</u>  | \$48,950  | \$43,050  |
|   | Subtotal  | \$123,300        |           |           |
|   | <b>TOTAL</b>  | <b>\$814,800</b> | \$471,750 | \$343,050 |

**Recommended by the Community Preservation Committee**

**ARTICLE 14:**

To see if the Town will vote to authorize the Selectboard to transfer property at 40 Grove Street as shown on Assessors' Map 20 as Parcel 100 to the Great Barrington Municipal Housing Trust Fund for the purpose of creating permanent affordable housing for low or moderate income households, or to take any other action relative thereto.

**ARTICLE 15: SHORT TERM RENTALS**

To see if the Town will vote to amend the Code of Great Barrington by adding a new chapter entitled "Short Term Rentals," as follows, pursuant to Section 14 of Chapter 64G of the General Laws, as amended by Chapter 337 of the Acts 2018, to provide for the registration of short-term rental units, with the chapter number to be assigned by the Town Clerk, or to take any other action relative thereto:

Section 1. The purpose of this bylaw is to require Operators of short term rental housing units to register with the Town Clerk. Any capitalized terms used in the bylaw shall have the same meaning as set forth in Chapter 64G of the General Laws.

Section 2. An Operator within the Town shall register with the Town Clerk, in accordance with and subject to the requirements of this bylaw. The registration information shall include: the location address, the name, address, phone number(s) and email address of the Operator and any Operator's agent(s), and whether the short term rental use of the premises is the primary or a secondary use of the property (i.e., full-time rental property or owner occupied property).

Section 3. Violation of this bylaw shall be subject to a civil penalty of \$100. In addition, after a hearing, the Selectboard may suspend or terminate the Operator's right to operate an accommodation for violation of this bylaw.

Section 4. The Selectboard may adopt regulations for administration and enforcement of this bylaw. All fees and penalties in such regulations shall be determined by the Selectboard after a public hearing.

**ARTICLE 16:**

To see if the Town will vote to approve a Resolution entitled "Retail Marijuana Establishments," to read as follows: Resolved, That it is the will and desire of the Town, assembled in Town Meeting, that there be a limit on the number of Retail Marijuana Establishments permitted in Great Barrington, or to take any other action relative thereto.

**ARTICLE 17:**

To see if the Town will vote to authorize the Selectboard to enter into a Tax Agreement pursuant to MGL Chapter 59, section 38H(b), and Chapter 164, section 1, and /or any other enabling authority with LSE Lepus LLC for personal property taxes associated with the approximately 3.0 megawatts DC ("MW") solar photovoltaic facility to be located on property at 671 Stockbridge Road and described in a deed recorded with the Southern Berkshire Registry of Deeds in Book 2513, Page 223 for a term of up to twenty (20) years, on

such terms and conditions as the Selectboard deems to be in the best interest of the Town, and to take any and all actions as may be necessary or convenient to accomplish the purpose of this article, or to take any other action relative thereto.

**ARTICLE 18:**

To see if the Town will vote to authorize the Selectboard to enter into a Tax Increment Financing Agreement and Tax Increment Financing Plan with Community Development Corporation of South Berkshire or its Nominee, pursuant to the provisions of MGL Chapter 40, Section 59, in connection with the development of the property located at 100 Bridge Street, Great Barrington; and to authorize the Selectboard to negotiate the final terms of and execute the TIF Agreement, and any documents relating thereto, and to take such other actions as are necessary or appropriate to implement the TIF Agreement and the TIF Plan pursuant to the provisions of MGL Ch. 40, § 59 or any other enabling authority, including submission of all necessary or required applications and documents to the Economic Assistance Coordinating Council of the Commonwealth of Massachusetts, or to take any other action relative thereto.

**ARTICLE 19: -**

To see if the Town will vote to authorize the Selectboard to enter into an agreement to purchase street lights within the Town owned by National Grid or other applicable utility company, including decorative lights and any related appurtenances, and to take all such actions as are necessary or appropriate to accomplish such purchase; and to appropriate a sum of money for such purpose, or to take any other action relative thereto.

**ARTICLE 20:**

To see if the Town will vote to authorize the Selectboard to enter into a ten (10) year contract, commencing on July 1, 2020, with the qualified vendor selected by the Massachusetts Department of Environmental Protection through a competitive bid process, for recycling processing services for the Town, subject to the Selectboard's determination that the contract is in the best interests of the Town and subject to Town Meeting approval in the Spring of 2020 for funding for these services, or to take any other action relative thereto.

**ARTICLE 21:**

To see if the Town will vote to amend section 9.5, section 3.1.4, section 11, section 3.2.2, section 8.2.3, and section 8.4 of the Zoning Bylaw as set forth below, or to take any other action relative thereto.

*Purpose of the Amendments:* The Planning Board proposes the following amendments to clarify and update certain portions of the zoning bylaw. The amendments will: (1) reduce the number of members on the Design Advisory Committee from seven to five, in order to have a full committee and therefore a quorum, and, to set a limit on the amount of time the committee has to comment on a proposal; (2) update the use table for the downtown business district to reflect the purpose of the district and to not allow uses incompatible with the district; (3-5) update the definitions and regulations for accessory dwelling units which would include moveable tiny houses; and (6) update the mixed use regulations to regulate both the amount of housing units permitted and the amount of nonresidential space required.

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

1. Amend portions of Section 9.5 as follows:



**9.5.6 Design Advisory Committee.** A Design Advisory Committee is hereby established to review applications for all actions that are subject to the provisions of this section and to work cooperatively with owners of land, buildings and businesses. The Design Advisory Committee shall make recommendations to the appropriate decision making body and/or the applicant concerning compliance of the proposed action to the design review standards in this section. The Design Advisory Committee shall consist of ~~seven~~ five voting members, constituted as follows:

1. Building Inspector (ex officio, nonvoting member).
2. Planning Board member, selected by the Planning Board.
3. Historic District Commission member, selected by the Historic District Commission.
4. Architect, appointed by the ~~Board of Selectmen~~ Selectboard.
5. Design Professional, appointed by the ~~Board of Selectmen~~ Selectboard.
6. ~~Three~~ One members from the general public, appointed by the ~~Board of Selectmen~~ Selectboard.

**9.5.7 Design Advisory Committee; Procedures.**

3. Process. The Building Inspector shall transmit copies of the application to the Design Advisory Committee. The Committee shall review the application, meet with the applicant and provide its recommendations, in writing, to the applicant and the Building Inspector within 30 days. If the Committee does not issue written recommendations within 30 days from the date the application was submitted, the Building Inspector shall assume approval of the application by the Design Advisory Committee. If the application for design review is associated with an application for a variance or a special permit, the Building Inspector shall immediately transmit the Design Advisory ~~Board's~~ Committee's recommendation to the ~~Planning Board or the Zoning Board of Appeals or Special Permit Granting Authority~~, whichever is relevant.

2. *Amend Section 3.1.4, Table of Use Regulations, specifically the column of the table for the B zone (Downtown Business), as follows:*

- Change A(3) Dwelling, multifamily 3 to 8 units: change from SB to Y
- Change A(5) Live/work: change from N to Y
- Change A(7) Mixed-uses: change from SB to Y
- Change C(5) Garden centers: change from Y to SB
- Change C(6) General Service: change from SB to Y
- Change C(7) Greenhouses: change from Y to SB
- Change F(2) Gravel, loam, sand and stone removal: change from SB to N

3. *Amend Section 11, definitions, as follows:*

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

**MOVABLE TINY HOUSE (MTH):** A structure intended for the separate, independent living quarters of one household for year-round residence that meets all of the following: (a) Is licensed and registered with the Massachusetts Registry of Motor Vehicles; (b) Meets the American National Standards Institute (ANSI) 119.5 requirements, and certified by a qualified third party inspector for ANSI compliance; (c) Cannot move under its own power; (d) Has not less than 150 and no more than 400 square feet of habitable living space, excluding lofts; (e) Is designed and built using conventional residential building materials for windows, roofing and exterior siding.

4. Amend Section 3.2.2, items 3 and 4, regarding accessory uses, as follows:

3. An accessory building ~~not exceeding 15 feet in height may be located within the required rear or side yard of the principal building, but~~ shall not be located in the front yard or nearer to any street line than the minimum setback in the zoning district in which it is located. No accessory building shall be within 10 feet of any side or rear lot line. ~~An accessory building exceeding 15 feet in height shall conform to all minimum setback requirements for the zoning district.~~

4. An accessory building in a Residence District shall not exceed 25 feet in height ~~above the ground level, and it shall not be located nearer than 10 feet to the principal building or occupy more than 10% of the total lot area. For definition of "height of a building," see Section 11.0.~~

5. Amend portions of Section 8.2.3, accessory dwelling units, as follows, and renumber subsections accordingly:

1. Only one ADU may be established per lot.

2. ~~The ADU may not be in separate ownership from that of any other dwelling unit on the lot.~~

3. ~~The~~ An ADU may not in any case be larger than ~~650~~ 900 gross square feet. If a dwelling unit greater than ~~650~~ 900 gross square feet is created within a single-family home, the residence will be considered a two-family dwelling and will be subject to the requirements of Section 8.1 of this Bylaw.

8. ~~Where practicable, any new entrance necessitated by the ADU must be located on the rear or side of the building.~~

9. Fire escapes and outside stairways leading to a second or higher story ~~shall be located on the rear or side of the building, and, where practicable, shall not be located on any building wall facing a street and shall comply with Section 4.2.3.~~

6. Amend portions of Section 8.4, mixed use development, as follows:

**8.4.1 General.** For mixed uses in the B, B2, I, and I2 zones, all of the following requirements shall apply. For mixed uses in the B3 zone, see Section 9.4. For mixed uses in the HVC and HVOB zones, see Sections 9.9 and 9.10 respectively. For mixed uses in MXD zones, see Section 9.11. The requirements of this section shall apply to mixed use development. Where zoning districts have requirements that conflict with this section, the requirements of the applicable zoning district shall prevail.

**8.4.2 Requirements.**

1. When residential use is combined with other nonresidential permitted uses, the controlling dimensional requirements shall be the less restrictive. For the multifamily component of a mixed use development there shall be at least 2,500 square feet of lot area per dwelling unit. The Selectboard may, by special permit, reduce the lot area per unit requirement.

2. ~~A portion of the street level floor space shall be reserved for nonresidential use. Inside the Village Center Overlay District, this portion shall be a minimum of 75%. Inside the Village Center Overlay District, a minimum of 75% of street-level floor space shall be reserved for nonresidential use. Outside the Village Center Overlay District, a minimum of 25% of street-level floor space shall be reserved for nonresidential use. The Selectboard may, by special permit, reduce the nonresidential space requirement.~~

## **ARTICLE 22:**

To see if the Town will vote to amend section 9.4, section 8.1, section 8.3, section 11, and section 4.1.3 of the Zoning Bylaw as set forth below, or to take any other action relative thereto.

*Purpose of the Amendments:* The Planning Board proposes the following amendments in order to allow for a diversity of housing types and additional housing opportunities. The amendments will: (1) reduce, in the Downtown Mixed-Use B-3 District, the lot area required per dwelling unit and the parking requirements to foster project feasibility and further the purposes of the district; (2) for two-family uses, reduce the minimum amount of parking required, and reduce the amount of land area required for a new two-family dwelling; (3) for multifamily uses, reduce the lot area required per dwelling unit, reduce the parking requirements, reduce the permeable surface requirement, and delete superfluous requirements and review criteria that are already stated elsewhere in the bylaw; and, (4) for R3, R1AB, and R1A districts, amend the dimensional requirements because the existing maximum lot coverage regulation penalizes small but conforming lots in these zones by keeping building area artificially small; this change will allow small lots to build to their setback lines, rather than be limited by lot coverage percentage.

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

1. *Amend portions of Section 9.4 as follows:*

**9.4.5 Dimensional Requirements.** Dimensional requirements in the Downtown Mixed-Use B3 District shall be as set forth in Section 4.0. The dimensional requirements reflect the proximity to downtown.

1. The maximum number of dwelling units permitted by right shall be based on a minimum area of ~~5,000~~ 2,500 square feet of land per dwelling unit, except that one two-family dwelling may be permitted on a lot of at least 5,000 square feet. The minimum area of land required per dwelling unit may be reduced through incentives described in this section and granted by special permit.

**9.4.7 Parking.** Parking requirements for residential dwelling units shall be ~~two~~ one parking spaces ~~space~~ for each unit. ~~of the first five units and 1 1/2 spaces for each additional unit; parking requirements for related uses shall be calculated in accordance with Section 6.1. Parking requirements for business (nonresidential) uses shall be calculated in accordance with the minimum requirements in Section 6.1.2 the Table of Required Minimum Parking. Parking areas shall be safely and conveniently accessible from the buildings they serve. No parking space shall reduce the effective width of a driveway providing access to more than one dwelling unit to less~~

than 12 feet. In the event the parking spaces cannot be provided on the property, deviation from this requirement may be permitted in accordance with Section 6.1.9. Parking requirements shall be met by any combination of the following:

1. ~~Off street parking on site;~~
2. ~~Provision of new on street parking with permission of the Town. Parallel parking spaces shall not be less than eight feet by 23 feet.~~

**9.4.9 Special Permit.** Uses indicated in the Table of Use Regulations, and any development or redevelopment in excess of 20,000 square feet of gross floor area, regardless of use, shall require a special permit. A special permit shall be required for any project seeking to use the density or open space incentives defined in this section. ~~The Board of Selectmen (SPGA) Selectboard~~ may grant a special permit in accordance with the provisions of Section 10.4.

2. *Amend Section 8.1, Two-Family Residential Use of Single Lot, in order to revise the parking requirement in subsection 8.1.3.4 from 2 spaces per unit to 1.5 spaces per unit, and to delete item subsection 8.1.3.6.*

4. ~~Two~~ One and one-half (1.5) off-street parking spaces shall be provided for each dwelling unit, located in such a manner that permeable surfaces, including lawns and/or garden areas but exclusive of all structures, driveways, walkways and parking spaces, shall be no less than 15% of the total area of the property. Deviation from this requirement may be permitted in accordance with Section 6.1.9.

6. ~~New construction of any two family residential structure or structures shall conform to all dimensional requirements of Section 4.0. A second dwelling unit in a new separate structure shall only be allowed when the lot is at least twice the minimum lot area specified in Section 4.0. The Planning Board may, by special permit pursuant to Section 10.4, authorize a deviation from this requirement.~~

3. *Amend portions of Section 8.3 as follows:*

**8.3.1 General.** ~~The Board of Selectmen may grant a special permit in accordance with Section 10.4 for multifamily dwellings, including condominiums, in the zoning districts specified for such uses in the Table of Use Regulations. Before granting such a special permit, the Board of Selectmen shall also conduct a site inspection of the property. Multifamily uses may be permitted by-right or by special permit as set forth in the Table of Use Regulations. All multi-family uses shall require site plan approval in accordance with Section 10.5.~~

### **8.3.3 Requirements.**

1. In a multifamily development, more than one principal building may be permitted on a lot, ~~provided that such lot meets the minimum lot width requirements for the respective zoning district as set forth in Section 4.0, and further provided that there shall be at least 3,500~~ 2,500 square feet of lot area for each dwelling unit ~~in a development of three units or four units, regardless of the number of principal buildings on the lot, and 5,000 square feet of lot area for each dwelling unit in a development of five or more units. The Special Permit Granting Authority (SPGA) may, by special permit, allow the lot area per unit to be less than 2,500 square feet per unit.~~

2. Permeable open space on the lot, including lawn and/or garden area but exclusive of structures, driveways, walkways and parking spaces, shall be no less than ~~50%~~ 15% of the total area of the property.

3. ~~No portion of any enclosing wall of any building and no portion of any other permissible structure shall be nearer than 25 feet to any street line, 10 feet to any side lot line and 30 feet to the rear lot line.~~

4. ~~Two~~ One and one-half (1.5) off-street parking spaces shall be provided for each dwelling unit. No space shall be considered available for parking if such space reduces the effective width of a driveway providing access to more than one dwelling unit to less than ~~16~~ 12 feet. In the event that the required parking spaces cannot be provided on the property, ~~the applicant shall, before the special permit is issued, present proof of a duly recorded permanent easement or deed providing such off-street parking space on other property, and the special permit shall be conditioned upon such permanent easement or deed.~~ deviation from this requirement may be permitted in accordance with Section 6.1.9.

5. ~~Within the development, vehicular and pedestrian circulation shall provide for safe and convenient use to the satisfaction of the Planning Board.~~

6. ~~Front yards and all open areas shall be suitably landscaped and maintained with grass, trees, flowers, shrubs and/or walks. Such landscaping shall be specified in detail on the site plan and shall be made a condition of the special permit.~~

7. ~~The proposed development shall be located with respect to major thoroughfares and uses outside the development as not to create traffic hazards or congestion. Before issuance of a special permit by the Board of Selectmen, the Chief of Police and the Highway Superintendent shall give their written approval of said location.~~

8. ~~Fire escapes and outside stairways leading to a second or higher story shall, where practicable, be located on the rear of each building, shall not be located on any building wall facing a street.~~

9. ~~Drainage controls as deemed necessary shall be specifically described as an added condition of the special permit.~~

**8.3.4 Procedures.** When filing an application with the Board of Selectmen, a special permit application, if required, the applicant shall submit to the SPGA at least six copies of a site plan showing, in addition to all characteristics specified in Section 10.5, the general plan and elevations of the buildings, as well as provisions for proposed parking spaces, interior roadways, walkways, drainage and recreational facilities.

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

**8.3.6 Exemptions in Downtown B District, B2X, HVC, MXD District, and General Business B2 District.** The requirements of Section 8.3.3 shall not apply to any multifamily dwelling in a single existing building within the Downtown Business B District, B2X, HVC, or MXD District. ~~Requirements 1. and 2. of section 8.3.3 shall not apply to any multifamily dwelling within the~~

General Business B2 District. Requirements 1-4 of section 8.3.3 shall not apply to any multifamily development in the MXD District.

4. Amend Section 11.0 Definitions, by adding the following new definition and adding footnote #15 to the R1A, R1B, and R3 rows in the column entitled "Maximum lot coverage by buildings" in Section 4.1.2, Schedule of Dimensional Regulations, and adding the footnote text to Section 4.1.3, Notes to Dimensional Requirements, as follows:

**BUILDABLE AREA:** the area of a lot minus the front, rear, and side yards required in the zoning district.

4.1.3 Notes to Schedule of Dimensional Requirements.

15. Maximum Lot Coverage shall only apply to parcels where the remaining Buildable Area, if applied, would be more than 2,000 square feet in the R3 District or more than 3,000 square feet in the R1A and R1B Districts.

### **ARTICLE 23:**

To see if the Town will vote to amend section 3.1.4, section 4.1, section 6.1.3, and section 6.2 of the Zoning Bylaw as set forth below, and amend the Zoning Map as set forth in the proposed map below, or to take any other action relative thereto.

*Purpose of the Amendments:* The Planning Board proposes these amendments in accordance with the goals of the Master Plan to ensure that zoning regulations for areas with existing infrastructure can accommodate the evolving economy and changing housing demands. These amendments will add more use flexibility and land use options for the B-2 zones, bring residential properties into conformance, maintain commercial viability while attending to quality of life of adjacent residential areas, change the zoning map on Stockbridge Road, and reduce the number of lots that are split by zoning district lines.

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

1. Amend the column for the B2 zone in Section 3.1.4, Table of Use Regulations, in order to:

- Permit use A(3), multifamily uses, for up to eight units by right
- Permit use A(5), live/work units, by right
- Permit use A(7), mixed use, by right
- Permit use F(3), light manufacturing, by SB special permit

*As shown in the excerpt below:*

|  |                                       | ZONING DISTRICT <sup>1</sup> | ADDITIONAL APPLICABLE REGULATIONS |
|--|---------------------------------------|------------------------------|-----------------------------------|
| Permitted Use  |                                       | B2                           |                                   |
| <b>A. Residential uses</b>                           |                                       |                              |                                   |
| (3)  | Dwelling, multifamily<br>3 to 8 units | SB <u>Y</u>                  | See also 8.3                      |
|  | 9 units or more                       | SB                           | See also 8.3                      |
| (5)  | Live/work units                       | N <u>Y</u>                   | See also 9.4, 9.6.                |
| (7)  | Mixed use                             | SB <u>Y</u>                  | See also 8.4, 9.6.                |
| <b>F. Industrial, manufacturing and storage uses</b> |                                       |                              |                                   |
| (3)  | Light manufacturing                   | N <u>SB</u>                  | See also 6.4                      |

2. Amend the rows for B2 in Section 4.1.2, Schedule of Dimensional Requirements as follows, and delete existing footnotes 4 and 5 to the dimensional table, and renumber the subsequent footnotes:

| District | Minimum lot area (sq. ft.)       | Width (ft.) | Minimum front yard (ft.) | Minimum side yard (ft.) | Minimum rear yard (ft.) | Maximum lot coverage by buildings (percent) | Stories | Height (ft.) |
|----------|----------------------------------|-------------|--------------------------|-------------------------|-------------------------|---|---------|--------------|
| B2       | Dwellings<br>43,560 <sup>7</sup> | 150         | 50                       | 20                      | 30                      | 25 <sup>4</sup><br>40 <sup>5</sup>          | 2½      | 35           |
|          | Other permitted uses<br>5,000    | 50          | 25                       | 10                      | 10                      | 75  | 3       | 40           |

3. Amend Section 6.1.3, location of parking spaces, as follows:

**6.1.3 Location.** Any parking area of more than five spaces providing off-street parking under the provisions of this Bylaw for any nonresidential use in a residence district shall not be located in the required front yard and shall be at least 10 feet from any side or rear lot line. If a nonresidential use in a residence district is located on a corner lot, no parking area of more than five spaces shall be located within the designated front yard nor closer to the street line than twice the required setback for residences within that district in side and rear yards. In the B2 zone, no parking spaces provided for new or replacement structures shall be located between the structure and the front lot line.

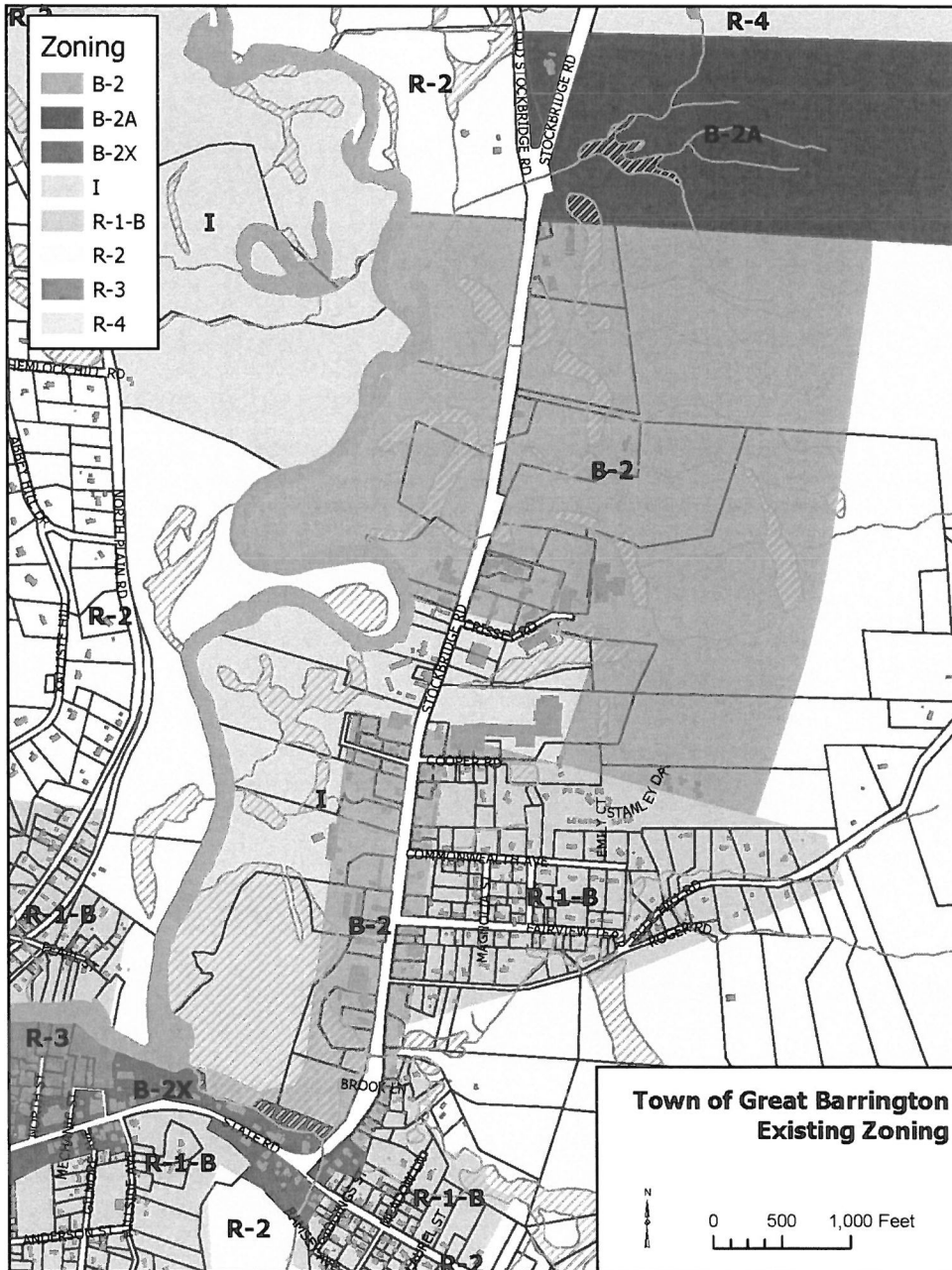
4. Amend portions of Section 6.2 as follows:

**6.2.1 Applicability.** These requirements shall apply to applications for site plan approval for land on both sides of Route 7 north (Stockbridge Road) from Belcher Square to the Stockbridge Town line and on Route 7 south (South Main Street) from Taconic Avenue to the Sheffield Town line. These requirements shall be in addition to those of Section 6.3.

**6.2.7 Required Trees.** At least one deciduous tree shall be planted within the lot's front setback for every 50 feet of frontage on a lot on which a new building is erected or when any activity or use requires Site Plan Review as set forth in Section 10.5.1. The tree or trees shall be planted between the roadway and the building line that is closest to the roadway, provided that this does not interfere with utilities.

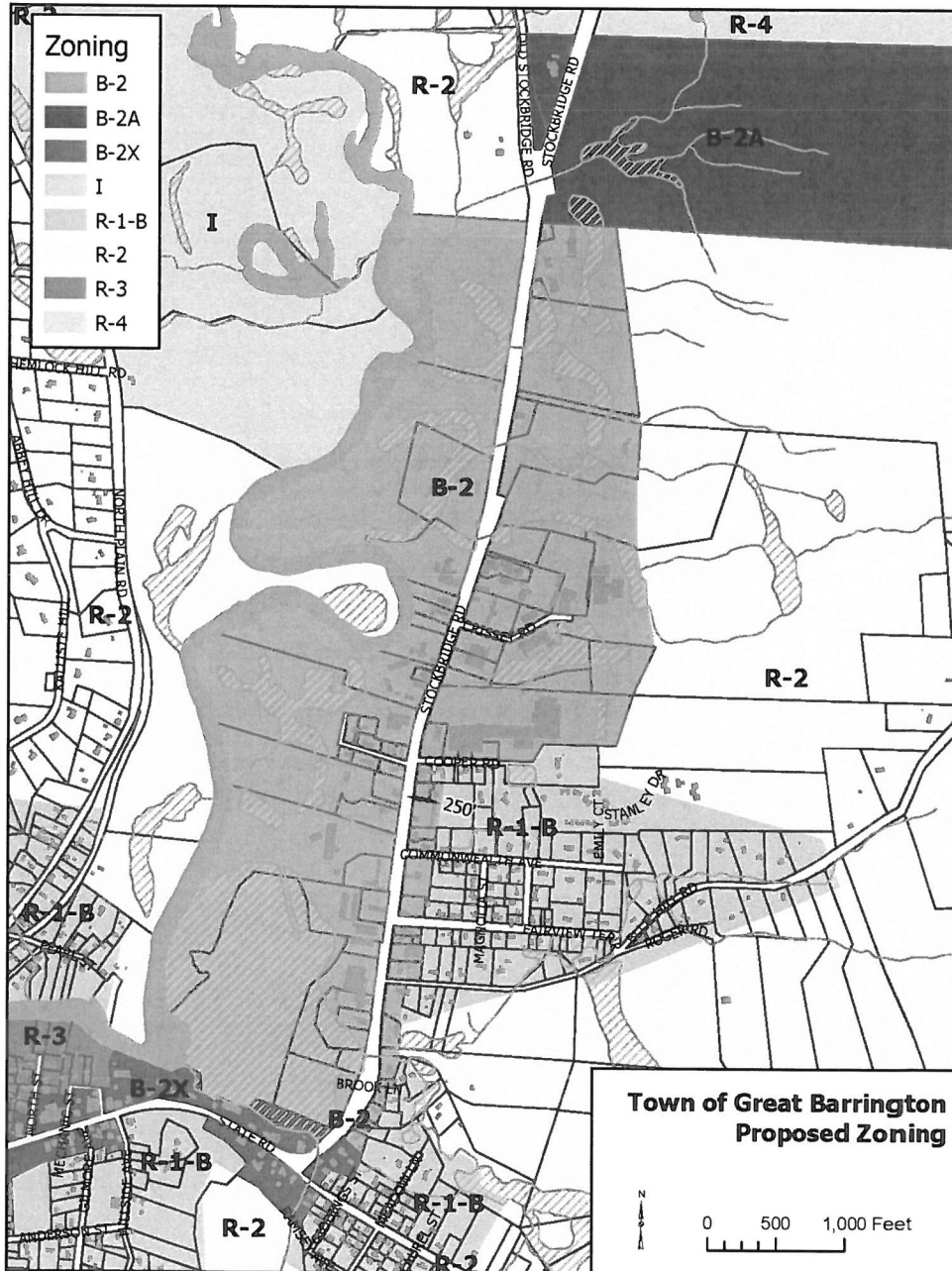
5. Amend the zoning map from existing to proposed, to remove the I zone on Stockbridge Road; to rezone a portion of the B-2 zone to R-2; and to adjust the zone lines for the R-1-B zone so as to more closely follow the lot lines shown on the current Assessors' maps, as shown in the following figures:

**EXISTING**





**PROPOSED**



**ARTICLE 24:**

To see if the Town will vote to amend the Sign Bylaw, Chapter 146, Section 2 of the Code of Great Barrington by deleting the definition for Electronic Message Sign or Center and inserting a new definition for “Electronic Sign,” and by adding the words shown as underlined to the definition for “Marquee,” as follows, or to take any other action relative thereto:

**ELECTRONIC MESSAGE SIGN OR CENTER**

~~An electrically activated sign whose variable message capability can be electronically programmed. The copy can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices, or it may be from an external light source designed to reflect off the changeable component display. These signs are prohibited in all districts.~~

**ELECTRONIC SIGN**

**A sign that electronically displays graphics or messages through a marquee, that changes its message or copy at intervals of not less than 30 seconds by programmable, digital or mechanical processes or by remote control. These signs are prohibited in all residential districts.**

**MARQUEE**

A multisided structure or architectural projection supported by attachment to a building on one or more sides, whether hung, cantilevered or supported by columns. The surface(s) and/or soffit of a marquee may be illuminated by means of internal or external sources of light. Marquees and marquee signs are allowed only by special permit from the Planning Board. **A freestanding sign performing the typical functions of a marquee—notifying the public of current and/or upcoming events for a performance venue—may be located on the grounds of the venue, by special permit from the Planning Board.**

**ARTICLE 25:**

To see if the Town will vote to amend Chapter 41 of the Code of Great Barrington, Town Meetings, Article II, Citizen Petitions § 41-15, Acceptance period, by inserting the word “calendar” after 30, so that the section reads as follows: “The acceptance period for citizen petitions will be no less than **30 calendar** days.”, or to take any other action relative thereto.

**ARTICLE 26:** (by petition)

To see if the town supports renaming the Berkshire Hills Regional School District Middle School from Monument Valley Regional Middle School to the W.E.B. Du Bois Regional Middle School.

**ARTICLE 27:** (by petition)

We the undersigned voters of Great Barrington hereby request that the following Article be added to the Warrant for the Annual Town Meeting of 2019:

That Town Code Chapter 41, Article I subsection 41-7 be modified to read:

- a.) No person, unless a registered voter of the Town, may address a Town Meeting without special permission of the Moderator.
- b.) The motion of “calling for the questions”, “calling the question”, “close debate”, “calling for a vote”, “vote now”, or other similar forms shall not be permitted until every registered voter of the Town in attendance, has had an opportunity to speak on the issue at hand.

**ARTICLE 28:** (by petition)

We the undersigned voters of Great Barrington hereby request that the following Article be added to the Warrant for the Annual Town Meeting of 2019:

That Town Code Chapter 135, Article II subsections 135-6 through 135-9 shall be repealed effective immediately upon an affirmative vote resulting in passage of this request. And, that the associated non-criminal disposition fine as specified in Chapter 1, General Provision, § 1-5.1 shall be removed. Chapter 135, Article II subsections 135-6 through 135-9 are commonly called the “water bottle ban” as were adopted on May 7, 2018 as ATM Article 22.