Zoning Board of Appeals  
Town of Great Barrington  

Minutes of Tuesday, October 25, 2022

The meeting was held in-person at Town Hall and remotely via Zoom Video/Telephone conference. Chair Majdalany called the meeting to order at 7:30 PM.

All members were present in-person: Ron Majdalany, Carolyn Ivory, Stephen McAlister, Madonna Meagher, Michael Wise, and alternate members JB Brodeur and Peter Most.  
Also Present: Assistant Town Manager/Planning Director Christopher Rembold.

Public Hearing: 110 Christian Hill Road, Special Permit application from Dana Bixby Architecture, submitted on behalf of Michael Kolber, to modify a preexisting nonconforming single unit residential dwelling at 110 Christian Hill Road, in accordance with Sections 5.5 and 10.4 of the zoning bylaw. The Board made a site visit to the premises at 5:00PM earlier in the evening.

Majdalany opened the hearing at 7:30PM. Dana Bixby presented the proposal and described the plans to the board. Bixby said the plan is to build an addition to the side and rear of the house which is a second home for the young family. The addition has a room for their mother who helps out with the family care. Bixby said the existing house is non-conforming with respect to the required front yard setback. It is only of 21 feet 6 inches from the property line where the zoning requires 50 feet. She said the house pre-dates current zoning regulations.

Bixby said the work triggers the need for a special permit under section 5.5 of the bylaw because it is more than 25% of the area of the existing house. The area calculations are given on the drawings submitted. Bixby said the addition meets all dimensional requirements except that a small portion of the addition on the north end is approximately 40 feet 9 inches from the front setback; all aspects of the addition meet zoning requirements. Bixby asked the board to find the addition will be no more detrimental than the existing nonconforming which is at 21 feet 6 inches.

Majdalany asked whether there is proof that the house predates zoning. Bixby said that is based on the Assessor’s records, which states 1900. Rembold added that 1904 maps do show a house in this location.

Majdalany asked if there were letters from other boards. Rembold said both the Planning Board and Selectboard made positive recommendations to grant the permit. He said the Conservation Agent determined it was not near wetland areas and therefore not jurisdictional for the Conservation Commission. He said the Health Department letter said there are no private water wells or septic systems and therefore it is not within the Health Department’s jurisdiction.

There were no comments or questions from the public.

Motion: Meagher moved to close the public hearing  
Second: McAlister seconded.  
Vote: Ivory-aye, Meagher-aye, McAlister-aye, Wise-aye, and Majdalany -aye (passed 5-0).

Rembold said there are three areas of required findings. First per Section 5.0 is whether the house is legally preexisting nonconforming, second per Section 5.5 is whether or not it is more detrimental to the neighborhood than the existing nonconformity, and third are the special permit criteria in Section 10.4.2.
On the first, all members agreed it is legally nonconforming, built prior to zoning. On the second, Ivory said she does not feel it is more detrimental. She said the majority of the existing house is too close but this addition is mostly in compliance. Meagher said she feels it is not more detrimental. McAllister agreed. Wise agreed and added that the neighborhood is spread out with large sized lots; even with the addition this house will still be in keeping with the neighborhood. Majdalany agreed.

The members discussed each of the six special permit criteria in Section 10.4.2:

1. Social, economic, or community needs which are served by the proposal.
   Ivory said these needs are served; this house will serve a growing family with live-in support
   All other members agreed. Wise added his observation that this is a second home. He said in its
   current condition it is possibly an affordable home that could be rented at a modest sum; with this
   addition it will be quite a bit nicer.

2. Traffic flow and safety, including parking and loading.
   All members said there are no safety concerns and plenty of parking, though Wise added the sight
   lines coming out of the driveway are not great.

3. Adequacy of utilities and other public services.
   All agreed the public water and sewer services are adequate.

4. Neighborhood character and social structures.
   All agreed there is no negative impact here. Ivory said she thinks they are maintaining the character
   of the old house. Meagher said even with the addition there is plenty of space all around in keeping
   with the area.

5. Impacts on the natural environment.
   All agreed there is no impact.

6. Potential fiscal impact, including impact on town services, tax base, and employment.
   All agreed there will be positive impacts on taxes and employment.

Majdalany asked for a motion on the permit based on the board’s findings.

**Motion:** McAllister moved to approve the Special Permit as presented.
**Second:** Ivory seconded.
**Vote:** Ivory-aye, Meagher-aye, McAllister-aye, Wise-aye, and Majdalany -aye (passed 5-0).

The permit was granted.

**Minutes:** April 5, 2022
Motion: Ivory moved to approve and Meagher seconded.
Vote: Ivory-aye, McAllister-aye, Meagher-aye, Wise-aye, and Majdalany -aye (passed 5-0).

**Citizen Speak:** None

**Adjourn:** Majdalany adjourned the meeting at 7:50 PM.

Respectfully submitted,

[Signature]
Christophe Rembold