

**Planning Board
Town of Great Barrington
Public Hearing**

The Great Barrington Planning Board will hold a public hearing, pursuant to the provisions of Massachusetts General Law Ch. 40A, s. 5, on Thursday, March 12, 2020 beginning at 6:00 PM at the Town Hall, 334 Main Street, Great Barrington, to provide interested parties with an opportunity to comment on proposed changes to the Zoning Bylaw and the Zoning Map. Proposals include: Amendments of references to the special permit granting authority; Amending the allowable uses in the Downtown B district; Amending the setback and height regulations for accessory buildings; Amending the Table of Use Regulations to add accessory dwelling units (ADUs); Amending the ADU regulations in Section 8.2; Amending the definitions to allow a tiny home to qualify as an ADU; Amending the maximum lot coverage in the Schedule of Dimensional Requirements; Amending the design review procedures and creating a new section for design review; Amending the Planning Unit Residential Development (PURD) regulations; Amending the regulations for swimming pools; Changing the residential use permissions and the special permit granting authority for residential uses; Amending the Water Quality Protection Overlay District to clarify the process for altering nonconforming uses; Creating a new section for the conversion of nursing homes to multifamily uses; Amending Section 7.18 to regulate the number, location, and physical requirements of marijuana establishments, and amending the Table of Use Regulations to allow marijuana establishments by Special Permit in I-2 zones; Amending Section 8.4 to regulate the residential density and the required nonresidential space in mixed use developments; and, Amending the Zoning Map and Section 9.11 to rezone portions of the MXD district to an R-3 district;

A copy of the proposed amendments may be reviewed in the Town Clerk's office at Town Hall during regular business hours, or on the town website www.townofgb.org. Any person wishing to be heard on these matters should appear at the time and place designated. Written comments will be accepted prior to the public hearing.

Brandee Nelson, Chair

Please publish February 21 and February 28, 2020
Berkshire Record



TOWN OF GREAT BARRINGTON MASSACHUSETTS

PLANNING BOARD

February 5, 2020

Stephen Bannon, Chairman
Great Barrington Selectboard

Re: Planning Board's Proposed Zoning Amendments for the May 2020 Annual Town Meeting

Dear Steve:

Enclosed please find the Planning Board's proposed zoning amendments for this coming Annual Town Meeting. We ask the Selectboard, at its upcoming February 10 meeting, to refer the attached proposed amendments to the Planning Board for a public hearing. The Planning Board will begin its Public Hearing on Thursday March 12 at 6:00 PM.

As you know, per MGL Ch. 40, s.5 the procedure for proposed zoning amendments (whether they are proposed by the Planning Board, citizens, or any other party) is that they be transmitted to the Selectboard. Upon receipt, the Selectboard must refer them to the Planning Board for a public hearing. At the hearing, the Planning Board will consider input on each draft amendment and vote whether or not to recommend the amendment to Town Meeting.

The Planning Board's proposed draft amendments are:

1. Editor's amendments to ensure proper and accurate reference to a special permit granting authority.
2. Amend the allowable uses in the Downtown B district.
3. Amend the setback and height regulations for accessory buildings.
4. Amend the Table of Use Regulations to clarify allowances for accessory dwelling units (ADUs).
5. Amend the ADU regulations in order to allow for more accessory unit opportunities.
6. Amend the definitions to allow "tiny homes" to qualify as ADUs.
7. Amend the maximum lot coverage by buildings in the Schedule of Dimensional requirements so housing can be added to conforming lots.
8. Amend the design review procedures by creating a stand-alone Design Advisory Committee bylaw with clear review procedures.
9. Amend the Planning Unit Residential Development (PURD) regulations to make compact, efficient subdivision design more feasible.
10. Amend the regulations for swimming pools so it does not conflict with the Building Code.
11. Amend the Table of Use Regulations to assign the special permit granting authority for residential uses to the Planning Board, and change the permissions for some residential uses.
12. Amend the Water Quality Protection Overlay District (WQPOD) to clarify the process for altering nonconforming uses.

13. Amend the Mixed Use regulations to clarify the amount of nonresidential uses required to be considered a mixed use development.
14. Amend the bylaw by adding a new section to allow existing nursing homes in residential zones to be converted to a multifamily use by Special Permit.

We are aware that the Selectboard has also proposed a zoning amendment, relative to the number of marijuana retail establishments in Town. This will also be discussed at the same Public Hearing, and I invite the Selectboard or Town staff to present the proposal at that time.

If you are in receipt of other amendments, for example those proposed by citizens or landowners, and they are acceptable for inclusion in the Town Meeting, please also refer those to the Planning Board.

Thank you.

For the Planning Board,



Brandee K. Nelson, Chair

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

Attachment

Article 1: Editorial Amendments

To see if the Town will vote to amend the Zoning Bylaw as set forth in this article, or to take any other action relative thereto.

Purpose of the Amendment: This amendment will make small edits to the Bylaw to references to the Special Permit Granting Authority (or “SPGA”) are accurate, and to change “Board of Selectmen” to Selectboard to be consistent with the Charter.

Amend the Bylaw as follows:

Anywhere “Board of Selectmen” appears in the Bylaw, change to “Selectboard.” (This occurs in approximately 43 instances.)

And, where the term Special Permit Granting Authority (or SPGA) occurs and a particular board is not designated as the SPGA, designate the Selectboard as the SPGA.

Article 2: Downtown B District Uses

To see if the Town will vote to amend Section 3.1.4, Table of Use Regulations, specifically the column of the table for the B zone (Downtown Business), as set forth in this article, or to take any other action relative thereto.

Purpose of the Amendment: This amendment will 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.

Amend Section 3.1.4, Table of Use Regulations, 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

Article 3: Accessory Buildings

To see if the Town will vote to amend Section 3.2.2, items 3 and 4, regarding accessory uses, as set forth in this article, or to take any other action relative thereto.

Purpose of the Amendment: This amendment will update the setback and height regulations for accessory dwelling units.

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

Proposed insertions are underlined

Amend Section 3.2.2, items 3 and 4, 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.~~

Article 4: Accessory Dwelling Units

To see if the Town will vote to amend Section 3.1.4, Table of Use Regulations, as set forth in this article, or to take any other action relative thereto.

Purpose of the Amendment: This amendment clarifies that ADUs are permitted in all districts, as is already set forth in Section 8.2.

Amend Section 3.1.4, Table of Use Regulations, by adding a new row G.(2), as follows, and renumbering subsequent rows:

		[all zoning districts]	ADDITIONAL APPLICABLE REGULATIONS
G. Accessory uses			
(2)	<u>Accessory Dwelling Unit</u>	<u>Y</u>	<u>See also 8.2.</u>

Article 5: Accessory Dwelling Units

To see if the Town will vote to amend portions of Section 8.2.3, accessory dwelling units, as set forth in this article, or to take any other action relative thereto.

Purpose of the Amendment: This amendment will update the regulations for ADUs, allowing ADUs to be slightly larger, removing duplicative or unnecessary design requirements, and allowing for the possibility of multiple ADUs for farmworker housing. All ADU's are by-right but subject to Planning Board site plan approval and Board of Health approval.

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

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. 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.
4. The structure in which the ADU is to be located must meet the zoning requirements for residences, except when it is a legally pre-existing nonconforming structure and the Zoning Board of Appeals authorizes the use by special permit.
5. One parking space shall be provided in addition to that required by the present building. All required parking spaces, including the parking space for the ADU, must be provided no closer to the street than the building setback line, unless other specified provisions are made and agreed to by the permit granting authority. The Planning Board, or SPGA, in accord with a finding by the Planning Board, may, by special permit pursuant to Section 10.4, authorize a deviation from this requirement.
6. An ADU may be created within a new or a previously existing single-family or two-family residential structure.
7. A home occupation may be allowed within any dwelling unit and/or accessory structure. Any such home occupation shall meet the provisions of Section 3.3.
- ~~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.~~
10. Farm Dwellings: More than one ADU shall be allowed on lands used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture, or viticulture as defined in MGL Ch. 128, Sec 1A, provided such ADUs are solely used for the farm's employees.

Article 6: Accessory Dwelling Units and Moveable Tiny Houses

To see if the Town will vote to amend Section 11, definitions, as set forth in this article, or to take any other action relative thereto.

Purpose of the Amendment: This amendment will update the definitions of ADUs, clarifying that an ADU can be in a separate structure than the main dwelling, and that an ADU may be in a Moveable Tiny House. It will also add a new definition for Movable Tiny Houses (MTH). The provision for an MTH responds to the growing demand for these types of dwelling units. This proposed regulation includes provisions to ensure an MTH has a sense of permanence and adequate utilities.

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

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.

Article 7: Buildable Area

To see if the Town will vote to amend Section 4.1.2 of the Zoning Bylaw as set forth in this article, or to take any other action relative thereto.

Purpose of the Amendment: In the R3, R1B, and R1A zoning districts, the existing maximum lot coverage regulation penalizes small but conforming lots by keeping building area artificially small. The Planning Board proposes this amendment as a way to increase the possibility of providing additional housing opportunities on small conforming lots in specific residential districts. These districts are served by utilities.

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

Amend Section 4.1.2, Schedule of Dimensional Requirements, by adding new footnote 15 to the column "Maximum lot coverage by buildings," and adding new footnote 15 to Section 4.1.3 Notes to Schedule of Dimensional Requirements," as follows:

Maximum lot
coverage by
buildings
(percent) ¹⁵

15. Maximum Lot Coverage shall not reduce the allowable footprint for buildings and structures to less than 2,000 square feet in the R3 District and 3,000 square feet in the R1A and R1B districts.

Article 8: Design Advisory Committee

To see if the Town will vote to amend the Zoning Bylaw by deleting Sections 9.5.5 – 9.5.8 from the Downtown Business B District, adding new Section 7.19, Design Advisory Committee, and to amend other portions of the Zoning Bylaw as set forth in this article, or to take any other action relative thereto.

Purpose of the Amendment: The existing Design Advisory Committee (DAC) was established as part of the downtown business district regulations (Section 9.5), but the DAC's jurisdiction applies to an area

broader than the downtown, and, the DAC has been consulted by other boards and commissions on a variety of other projects. Recognizing the importance of the DAC's review in ensuring development complements and enhances the Town's community character and distinctive architectural legacy, this article moves the DAC out of the specific downtown regulations, and creates a special section of the bylaw for the DAC. This article also clarifies the DAC's membership, authority and jurisdiction, and its review standards. Finally, this article includes in the Special Permit and Site Plan Review regulations specific reference to the DAC. The DAC and the Planning Board feel these amendments will make the design review process clearer for everyone, including applicants and the DAC itself.

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

To see if the Town will vote to amend the Zoning Bylaw as follows:

~~**9.5.5 Design Review.** The purpose of design review is to preserve, enhance and raise awareness of the town's cultural, economic and historical resources by providing for a review of all changes in the appearance of structure and sites which may affect these resources. The review procedures are intended to: enhance the social and economic viability of the town by preserving property values and promoting the attractiveness of the town as a place to live, visit and shop; encourage the conservation of buildings and groups of buildings that have aesthetic or historic significance; prevent alterations that are incompatible with the existing environment or that are of inferior quality or appearance; encourage flexibility and variety in future development. All new structures, alterations or additions to existing structures which affect the exterior architectural appearance of a building shall be subject to review by the Design Advisory Committee, provided that the action occurs on land which is located in the Downtown Business B District.~~

~~**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 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.~~
- ~~5. Design Professional, appointed by the Board of Selectmen. [amended 5/6/2013 ATM]~~
- ~~6. Three members from the general public, appointed by the Board of Selectmen.~~

~~The terms of all appointed members shall be five years. The Historic District Commission member and the Planning Board member shall serve for one year terms.~~

~~The selecting or appointing boards or commissions may select or appoint an Alternate Member who may serve and act in the place of the Member selected or appointed by that board or commission in the event of the absence of that Member. In the event of an absence, the Chair may elevate an Alternate Member(s)~~

~~in order to form a quorum and to vote on matters pending before the Committee, provided that the composition of the Committee is not altered.~~

~~9.5.7 Design Advisory Committee; Procedures.~~

- ~~1. Applications for all actions subject to review by the Design Advisory Committee shall be made by completing an application form and submitting it to the Building Inspector. Application forms are available from the Building Inspector's office. Further information about the application process is set forth in the Rules and Regulations of the Design Advisory Committee.~~
- ~~2. Submittal Requirements. Applicants to the Design Advisory Committee shall address all standards listed in 9.5.8 below. If the project involves a variance, special permit or building permit, any information required for it should be included. The Committee may request additional information if it deems to be relevant. Each application shall be accompanied by photographs of the existing buildings and/or site, showing the area to be modified. The following scaled drawings shall accompany the application, unless this requirement is waived by the Design Advisory Committee:
 - ~~a. Small scale (minimum 1/8 inch equals one foot zero inches) elevation showing the existing building with proposed changes and adjacent buildings.~~
 - ~~b. Large scale (minimum 1/2 inch equals one foot zero inches) elevation showing proposed changes.~~
 - ~~c. Section details (minimum 1/2 inch equals one foot zero inches).~~
 - ~~d. Building plans as submitted to the Building Inspector.~~~~
- ~~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 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 recommendation to the Planning Board or the Zoning Board of Appeals, whichever is relevant.~~

~~9.5.8 Design Review Standards.~~ ~~The standards which are described below are intended to provide a guide to the applicant and the Design Advisory Committee for the design review of proposed actions. These standards shall not be regarded as inflexible requirements, and they are not intended to discourage creativity, invention or innovation; rather, they are intended to focus attention on design principles which enhance the visual appearance of the community.~~

- ~~1. General principles:
 - ~~a. Every reasonable effort shall be made to preserve the distinguishing original qualities of a building, structure or site and its environment. The removal or alteration of any historic material or architectural features should be avoided whenever possible.~~
 - ~~b. Distinctive features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.~~~~

- ~~c. All new development shall be treated harmoniously to the use, scale and architecture of existing buildings in the vicinity that have a functional or visual relationship to the proposed building.~~
- ~~d. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical architectural or cultural material and when such design is compatible with the surrounding environment.~~
- ~~2. Design review standards. The Design Advisory Committee shall consider, at a minimum, the following standards in the course of a design review of a proposed action:~~
 - ~~a. Height. The height of any proposed alteration should be compatible with the style and character of the surrounding buildings.~~
 - ~~b. Proportions of windows and doors. The proportions and relationships between doors and windows should be compatible with the architectural style and character of the surrounding area.~~
 - ~~c. Relationships of building masses and spaces. The relationship of a structure to the open space between it and adjoining structures should be compatible.~~
 - ~~d. Roof. The design and shape of the roof should be compatible with the architectural style of the surrounding buildings.~~
 - ~~e. Landscape. The landscape should be compatible with the character and appearance of the surrounding area. Native species for landscaping are encouraged. Invasive species are prohibited.~~
 - ~~f. Scale. The scale of the structure should be compatible with its architectural style and the character of the surrounding buildings.~~
 - ~~g. Architectural details. Architectural details, including signs, materials, colors and textures, shall be compatible with a building's original architectural style in a manner that preserves and enhances the character of the surrounding area.~~

Add new Section 7.19:

7.19 Design Review

7.19.1 Design Advisory Committee.

A Design Advisory Committee (DAC) is hereby established to work cooperatively with owners of land, buildings and business to review applications for all actions that are subject to design review as set forth in this Bylaw. The DAC shall consist of five members, constituted as follows:

One Planning Board member, appointed by the Planning Board.

One Historic District Commission member, appointed by the Historic District Commission.

One Architect or Design Professional appointed by the Selectboard.

Two citizens at large, who are residents of Great Barrington and who may or may not serve on other boards or commissions, appointed by the Selectboard.

The three members appointed by the Selectboard shall serve for three-year terms. The Historic District Commission member and the Planning Board member shall serve for one-year terms. The Planning Board and Historic District Commission may appoint one Alternate each, who may serve and act in the place of the Member in the event of the absence of that Member. In the event of an absence, the Chair may elevate an Alternate in order to form a quorum and to vote on matters pending before the DAC, provided that the composition of the DAC is not altered.

The Great Barrington Building Inspector shall be the primary staff liaison to the DAC.

7.19.2 Purpose.

The purpose of design review is to preserve, enhance and raise awareness of the town's cultural, economic and historical resources, as documented in the town's Design Guidelines, by providing for a review of changes in the appearance of structures and sites which may affect these resources. Design review is intended to:

1. enhance the social and economic viability of the town by preserving property values and promoting the attractiveness of the town as a place to live, visit and shop;
2. encourage the conservation of buildings and groups of buildings that have aesthetic or historic significance;
3. prevent structural alterations that are incompatible with the existing environment or that are of inferior quality or appearance; and,
4. encourage flexibility and variety in future development.

7.19.3 Authority.

Within the Downtown Business District (B) and the Village Center Overlay District (VCOD), the construction of any new structures, replacement of existing structures, substantial structural changes, and alterations or additions to existing structures which affect a structures' exterior architectural appearance, shall be subject to review by the DAC.

For the purpose of this section, a substantial structural change is defined as one which involves: changing the height of a structure; increasing the size of the footprint of a structure by more than 25% or 1,000 square feet, whichever is smaller; or increasing the square footage of any above ground floor by more than 25% or 1,000 square feet, whichever is smaller.

The DAC 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.

7.19.3 Design Review Procedures.

1. Applications for all actions subject to review by the DAC shall be made by completing an application form and submitting it to the Building Inspector. Application forms are available from the Building Inspector's office. Further information about the application process is set forth in the Rules and Regulations of the DAC.
2. Submittal Requirements. Applicants to the DAC shall address all standards listed in 7.19.4 below. If the project involves a variance, special permit or building permit, any information required for it should be included. The DAC may request additional information if it deems to be relevant. Each application shall be accompanied by photographs of the existing buildings and/or site,

showing the area to be modified. The following scaled drawings shall accompany the application, unless this requirement is waived by the DAC:

- a. Small scale (minimum 1/8 inch equals one foot zero inches) elevation showing the existing building with proposed changes and adjacent buildings.
 - b. Large scale (minimum 1/2 inch equals one foot zero inches) elevation showing proposed changes.
 - c. Section details (minimum 1/2 inch equals one foot zero inches).
 - d. Building plans as submitted to the Building Inspector.
3. Process. The Building Inspector shall transmit copies of the application to the DAC. The DAC 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 application for design review is associated with an application for a variance or a special permit, the Building Inspector shall immediately transmit the DAC's recommendation to the Zoning Board of Appeals or Special Permit Granting Authority, whichever is relevant. If the DAC 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 DAC.

7.19.4 Design Review Standards.

The standards which are described below are intended to provide a guide to the applicant and the DAC for the design review of proposed actions. These standards shall not be regarded as inflexible requirements, and they are not intended to discourage creativity, invention or innovation; rather, they are intended to focus attention on design principles which enhance the visual appearance of the community. It is strongly encouraged for applicants to refer to the town's Design Guidelines.

1. General principles.

- a. Every reasonable effort shall be made to preserve the distinguishing original qualities of a building, structure or site and its environment. The removal or alteration of any historic material or architectural features should be avoided whenever possible.
- b. Distinctive features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
- c. All new development shall be treated harmoniously to the use, scale and architecture of existing buildings in the vicinity that have a functional or visual relationship to the proposed building.
- d. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical architectural or cultural material and when such design is compatible with the surrounding environment.

2. Design review standards. The DAC shall consider, at a minimum, the following standards in the course of a design review of a proposed action:

- a. Height. The height of any proposed alteration should be compatible with the style and character of the surrounding buildings.
- b. Proportions of windows and doors. The proportions and relationships between doors and windows should be compatible with the architectural style and character of the surrounding area.

c. Relationships of building masses and spaces. The relationship of a structure to the open space between it and adjoining structures should be compatible.

d. Roof. The design and shape of the roof should be compatible with the architectural style of the surrounding buildings.

e. Landscape. The landscape should be compatible with the character and appearance of the surrounding area. Native species for landscaping are encouraged. Invasive species are prohibited.

f. Scale. The scale of the structure should be compatible with its architectural style and the character of the surrounding buildings.

g. Architectural details. Architectural details, including signs, materials, colors and textures, shall be compatible with a building's original architectural style in a manner that preserves and enhances the character of the surrounding area.

Amend Section 9.5, Downtown Business District, by inserting the following:

9.5.5 Design Review Required

Within the Downtown Business District (B), the construction of any new structures, replacement of existing structures, substantial structural changes, and alterations or additions to existing structures which affect a structures' exterior architectural appearance, shall be subject to review by the Design Advisory Committee in accordance with Section 7.19.

For the purpose of this section, a substantial structural change is defined as one which involves: changing the height of a structure; increasing the size of the footprint of a structure by more than 25% or 1,000 square feet, whichever is smaller; or increasing the square footage of any above ground floor by more than 25% or 1,000 square feet, whichever is smaller.

Amend Section 10.4.3 (special permit procedures), by inserting the following:

4. It is recommended that projects requiring a special permit appear before the Design Advisory Committee prior to meeting with the SPGA.

Amend Section 10.5.1, (site plan review applicability) by inserting the following:

5. It is recommended that projects requiring Planning Board site plan approval appear before the Design Advisory Committee prior to meeting with the Planning Board.

Article 9: Planned Unit Residential Development (PURD)

To see if the Town will vote to amend Section 8.5 of the Zoning Bylaw as set forth in this article, or to take any other action relative thereto.

Purpose of the Amendment: The PURD bylaw is meant to encourage compact and efficient subdivision design. Unfortunately the existing density requirements of Section 8.5 are antithetical to this purpose because they allow less than half the number of units that the underlying zoning allows. In other words,

under existing regulations, a developer could achieve more units in a conventional subdivision than in a PURD.

The Planning Board proposes these amendments in order to correct that issue and to further the Land Use goals of the Master Plan. If this amendment passes, the disincentives of a PURD will be corrected, and developers may choose a PURD-style development rather than a conventional sprawling subdivision.

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

Amend Section 8.5 as follows:

8.5.1 Purpose. The purpose of Planned Unit Residential Development is to:

1. Allow for greater variety, creativity and flexibility in development. Provide harmonious and diverse housing choices with varied setback lines, dwelling types, and "cluster" type site planning, with provisions to control maximum density.
2. Encourage more compact, economical and efficient development;
3. Facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
4. Promote the creation of usable and suitably located common open space that is permanently protected for a higher level of amenity.
5. Maintain and replicate the traditional New England rural character and land use pattern in which small villages are adjacent to common open space.

8.5.12 Special Permit Required. ~~The Board of Selectmen~~ Planning Board shall be the Special Permit Granting Authority (SPGA) for a PURD and may grant a special permit in accordance with the provisions of Section 10.4 for the construction and occupancy of a planned unit residential development (PURD) in any zoning district specified for such use in the Table of Use Regulations.

8.5.23 Permitted Uses. In a PURD, the following uses may be permitted. No structure designed or intended for business use, except the development office, shall be a part of any PURD.

1. Single family dwellings.
2. Two-family dwellings.
3. Multifamily dwellings.
4. Assisted living residence.
5. Any mixture of single family, two-family, multifamily dwellings, and/or assisted living residence.
6. Accessory uses as regulated in Section 3.0.

8.5.34 Density. The following requirements relating to the density of population and intensity of land use by a PURD shall be met.

1. Minimum number of dwelling units: 10.
2. Maximum number of dwelling units: 60.

3. Separation of PURDs: In R2 and R4 Zoning Districts, the boundary of one PURD shall be no closer than one mile to the nearest boundary of another PURD in an R2 or R4 District, measured in a straight line connecting the closest points of the respective boundaries, nor shall the boundary of any PURD in an R2 or R4 District be contiguous to that of any PURD in any other zoning district. In R1A, R1B, R3, B and I Zoning Districts, the boundary of one PURD shall not be contiguous at any point to that of another PURD, regardless of district.
4. The minimum land area for a PURD shall be based on the following area requirements per dwelling unit:

DISTRICT	AREA (SQ. FT.)
R1A	9,000 <u>3,300</u>
R1B	7,500 <u>1,700</u>
R2	20,000 <u>15,000*</u>
R3	7,500
R4	30,000 <u>29,000</u>
B2	20,000 <u>2,000</u>
<u>B2X</u>	<u>2,000</u>
<u>B3</u>	<u>2,000</u>
<u>MXD</u>	<u>2,000</u>
I	20,000 <u>2,000</u>
<u>I2</u>	<u>2,000</u>

*7,500 SQ. FT. if served by both municipal water and sewer; 10,500 SQ. FT. if served by one utility but not the other.

5. Minimum usable open space or common land per dwelling unit: ~~5,000~~ 2,500 square feet. Such space shall not include wetlands, streams or any other area subject to protection under the Massachusetts Wetlands Protection Act, unless the SPGA determines that the access provided to these resources is a significant public benefit, nor shall it include roadways and private yards, nor driveways, walkways, and parking spaces that are common to less than four dwelling units parking space, roadways, walkways, laundry drying areas or yards required under this Bylaw.
6. The maximum lot coverage by buildings shall be regulated in accordance with terms of percent ~~by the~~ Schedule of Dimensional Requirements for the underlying zoning district.

8.5.45 Requirements. A PURD shall comply with all the following requirements and procedures, ~~which shall be made conditions of the special permit.~~

1. The minimum off-street parking requirement shall be ~~two~~ one parking space for each dwelling unit.

2. The maximum height of structures shall be as regulated in Section 4.0.
3. The maximum length of any exterior straight wall shall be 125 feet. There shall be an offset of at least ~~20~~ 10 feet between straight walls.
4. The minimum distance between any two principal buildings where one or both contain three (3) or more dwelling units shall be not less than ~~50~~ 20 feet. The minimum distance between any buildings that are one- or two-family dwellings shall be not less than ~~20~~ 10 feet.
5. No portion of any enclosed wall of any building or other permissible structure shall be nearer than 20 feet to any roadway within the development or 10 feet to any parking area and shall not be nearer than ~~100~~ 50 feet to any property line in R2 or R4, ~~B2 and I~~ Districts, nor nearer than ~~50~~ 30 feet to any property line in R1A, R1B ~~and~~ R3, B2, B2X, B3, MXD, I and I2 Districts.
6. A PURD having more than 40 dwelling units shall have a minimum of two access roadways to be separated by at least 100 feet. All roadways within the development shall conform in construction with the standards as set forth in the Planning Board's Subdivision Regulations, and all public utilities shall be installed in accordance with said subdivision regulations.
7. Parking and recreation areas shall be designed and located to be ~~safely and conveniently~~ accessible from the buildings they are intended to serve. No space shall be considered available for parking that reduces the effective width of a driveway providing access to more than one dwelling unit to less than ~~16~~ 12 feet.
8. The proposed development shall be located with relation to primary streets and uses outside the development in a manner that does not create traffic hazards or congestion. Before issuance of a special permit by the SPGA, the Chief of Police and the DPW or Highway Superintendent shall give their written approval of said location.
9. The proposed development shall be so located that essential community services, including water supply, sewage system, drainage system ~~—if available—~~ and police and fire protection, shall be ~~available and~~ adequate for the development, based on written reports and recommendations from appropriate town agencies. The SPGA shall, before granting a special permit, require written guarantees from the applicant, including such financial guarantees in the form of bank deposits, bonds or covenants as may be satisfactory to the SPGA and the Town Counsel, that suitable provision will be made assuring these services, if available.

8.5.56 Timeshares. The rental or sale of any unit within a PURD on a time-sharing basis for temporary occupancy is permitted only in the B2 (General Business) zoning district.

8.5.67 Common Land. Land preserved in accordance with this Section shall be either deeded to, and accepted by, the Town of Great Barrington for park or open space use, conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space or, in the case of dwelling units for sale, either as condominiums or under cooperative ownership, conveyed to a corporation or trust owned or to be owned by ~~the all property owners of dwelling units~~ within the PURD. If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the ~~property dwelling units~~ property dwelling units. In any case in which such land is not conveyed to the town, the applicant shall record in the Southern Berkshire Registry of Deeds a restriction acceptable to the SPGA and the Town Counsel and enforceable by the town providing that such land shall be kept in an open or natural state and not built upon for residential or other use nor developed for such accessory uses as parking and/or roadways. This

restriction shall be provided before the special permit is granted and shall be recorded with the special permit.

8.5.78 Procedures; Preliminary Land Development Plan. Before applying for a special permit hereunder, the applicant shall file with the Planning Board a preliminary land development plan (PLDP) of the entire tract drawn to a scale adequate to represent all features of the property. Said PLDP shall show the following in sufficient detail to form a clear basis for discussion of the project and for preparation of the definitive land development plan (DLDP). Six copies and one electronic copy of the PLDP shall be submitted by the applicant to the Planning Board, which shall set a date and time at which it will review the plan under its Subdivision Regulations. It shall, within five business days of receipt of the PLDP, notify the applicant, the ~~SPGA Selectboard~~, the Conservation Commission, the Board of Health and other town departments as it deems appropriate of the date and time of such meeting, and it shall transmit copies of the plans to said boards and departments. The review session shall be held not later than business 35 days after receipt of the PLDP by the Planning Board. During the meeting, town boards and departments may suggest revisions and additions to be incorporated by the applicant in the definitive land development plan. The PLDP shall include, at a minimum:

1. Lot layout and dimensions.
2. Access road locations and widths.
3. Open space locations, and dimensions, and area calculations.
4. Location of major site features, such as existing stone walls, fences, large trees and rock outcroppings; all existing and proposed structures on the property; all existing and proposed driveways, walkways and parking areas; all bordering streets and/or highways; contours of elevation at intervals of no more than two feet; all existing and proposed wells and septic systems; drainage patterns; and other physical and topographical features of the property including but not limited to streams, ponds and wetlands.
5. An arrow indicating magnetic North.

8.5.89 Procedures; Definitive Land Development Plan. A special permit application shall be filed in accordance with the SPGA's regulations and shall be accompanied by the definitive land development plan (DLDP). ~~shall be filed with the Planning Board and the special permit application shall be filed with~~ the SPGA, which shall hold a public hearing in accordance with the provisions of Section 10.4. The Planning Board shall also hold a public hearing in accordance with its Subdivision Regulations to determine the appropriateness of any roadways in the PURD and any requested waivers from the Subdivision Regulations. The hearings may be held simultaneously, if members of both boards so vote, though there shall be distinct findings and votes taken in accordance with the governing laws, rules, and/or regulations. The Planning Board's endorsement of such roadway plan shall be in accordance with all provisions of its Subdivision Regulations.

The DLDP shall contain, at a minimum, the same information as the PLDP including any changes made thereto and any other information requested by the Planning Board. The special permit application shall:

1. Be accompanied by two locus maps showing the location of the property. One shall be an enlarged section of a United States Geological Survey Map, and the other shall be a copy of the current Great Barrington Zoning Map, each indicating the location of the property by arrow or other suitable mark.
2. Be signed by the owner or owners of the property in question or, if the applicant is other than the owner of the property, shall be signed by the applicant and shall be accompanied by a letter from the

owner authorizing the applicant to apply for the special permit. Said application shall also be accompanied by all appropriate fees. For the purposes of this section, an "applicant" shall be defined as a person, corporation, partnership or other legal entity having a legal or equitable interest in the property.

3. Contain elevations and floor plans views of the proposed dwellings.

8.5.910. Decision. In addition to the criteria set forth in section 10.4, the SPGA shall consider the following:

1. The proposed development shall be in harmony with the Master Plan of the community, as adopted and amended by the Planning Board.
2. Usable open space or common land shall be assured and maintained in accordance with the procedures prescribed herein.
3. The development plan shall contain specific time periods within which development of each section of the PURD will be started. Failure to start construction within those periods may be cause for issuance of a stop-work order by the Inspector of Buildings.

Article 10: Swimming Pools

To see if the Town will vote to amend Section 3.1.4, G.(12) of the Table of Use Regulations as set forth in this article, or to take any other action relative thereto.

Purpose: This amendment will change the strict requirements for swimming pools in the Table of Use Regulations so that the zoning bylaw does not conflict with or impose stricter standards than the Building Code.

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

Amend G.(12) of the Table of Use Regulations as follows:

(12) Swimming pools, inground or aboveground. Pool must be equipped with safety covers, alarms, fencing, or other means of protections as required by the Building Codes~~surrounded by a continuous fence having a minimum of 4 feet height and with a gate that can be locked;~~ so designed and built to restrain entry by unauthorized persons.

Article 11: Residential Uses – Table of Use Regulations

To see if the Town will vote to amend Section 3.1.4 of the Zoning Bylaw as set forth in this article, or to take any other action relative thereto.

Purpose of the Amendment: This amendment will make changes to subsection A of the Table of Use Regulations in Section 3.1.4 of the Zoning Bylaw, designating the Planning Board (PB) as the Special Permit Granting Authority for most residential uses, move three family dwelling units up to row (2) thereby allowing three family in more districts by right, and changing the permissions of multifamily uses in some districts.

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

Amend Section 3.1.4 of the Zoning Bylaw as follows:

Table of Use Regulations

Permitted Use		ZONING DISTRICT ¹														ADDITIONAL APPLICABLE REGULATIONS	
		R1A	R1B	R2	R3	R4	B	HVC	B1	B2	B2A	B2X	B3	MXD	I		I2
A. Residential uses																	
(1)	Dwelling, Single family	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	SB <u>PB</u>	SB <u>PB</u>	
(2)	Dwelling, Two-family	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	See also 8.1
(3)	Dwelling, multifamily 3 to 8 units	SB <u>PB</u>	SB <u>PB</u>	SB <u>PB</u>	SB <u>PB</u>	N	SB <u>Y</u>	SB <u>Y</u>	SB <u>PB</u>	SB <u>Y</u>	SB <u>PB</u>	Y	Y	Y	N <u>PB</u>	SB <u>PB</u>	See also 8.3
	9 units or more	N <u>PB</u>	N <u>PB</u>	N <u>PB</u>	SB <u>PB</u>	N	SB <u>PB</u>	SB <u>PB</u>	N	SB <u>PB</u>	SB <u>PB</u>	SB <u>PB</u>	Y	SB <u>PB</u>	N	SB <u>PB</u>	See also 8.3
(4)	Assisted living residence	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	See also 8.8
(5)	Live/work units	N	N	N	N	N	N	Y	N	N	N	Y	Y	Y	Y	Y	See also 9.4, 9.6 .
(6)	Lodging house or tourist home for transient guests	SB	SB	SB	SB	SB	SB	SB	N	SB	SB	SB	SB	SB	SB	SB	See also 7.16
(7)	Mixed use	N	N	N	N	N	SB <u>Y</u>	Y	SB <u>PB</u>	SB <u>Y</u>	SB <u>PB</u>	Y	SB <u>PB</u>	Y	Y	Y	See also 8.4, 9.6 .
(8)	Open Space Residential Development	N	N	PB	N	PB	N	N	N	N	N	N	N	N	N	N	See also 8.7
(9)	Planned unit residential development (PURD)	SB <u>PB</u>	SB <u>PB</u>	SB <u>PB</u>	SB <u>PB</u>	SB <u>PB</u>	SB <u>PB</u>	N	N	SB <u>PB</u>	SB <u>PB</u>	SB <u>PB</u>	SB <u>PB</u>	SB <u>PB</u>	N	N	See also 8.5
(10)	Publicly Financed Nonprofit Age-Restricted Housing	N	N	N	SB <u>PB</u>	N	SB <u>PB</u>	SB <u>PB</u>	N	SB <u>PB</u>	SB <u>PB</u>	SB <u>PB</u>	SB <u>PB</u>	SB <u>PB</u>	N	N	See also 8.9
(11)	Trailer or mobile home	SB	SB	SB	SB	SB	SB	N	SB	SB	SB	SB	N	N	SB	SB	See also 8.6

Article 12: Water Quality Protection Overlay District (WQPOD)

To see if the Town will vote to amend Section 9.2 of the Zoning Bylaw as set forth in this article, or to take any other action relative thereto.

Purpose of the Amendment: This amendment will clarify that portions of the WQPOD impose stricter standards than those that require special permits.

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

Amend Section 9.2 as follows:

9.2.2 Overlay District. The WQPOD is an overlay district superimposed on the other zoning districts. This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Uses in the underlying zoning districts that fall within the WQPOD must additionally comply with the requirements of this district. Uses prohibited in the underlying zoning districts shall not be permitted in the WQPOD. In the case of a conflict between two provisions of this section, the more restrictive shall apply, provided, however, Section 9.2.11 shall be considered more restrictive and imposing higher standards than Section 9.2.12.

9.2.12 Uses and Activities Requiring a Special Permit. The following uses and activities (except as specifically addressed in Section 9.2.11) are permitted only upon the issuance of a special permit by the Board of Selectmen (SPGA) under such conditions as it may require:

Article 13: Mixed Uses

To see if the Town will vote to amend Section 8.4, Mixed Use Development, of the Zoning Bylaw as set forth in this article, or to take any other action relative thereto.

Purpose of the Amendment: The Planning Board proposes this amendment to clarify the amount of floor space required for nonresidential uses in order for a development to be considered “mixed-use.”

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

Amend Section 8.4 as follows:

8.4.2 Requirements.

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, at least 75% of street-level floor space shall be reserved for nonresidential use. Outside the Village Center Overlay District, at least 25% of street-level floor space shall be reserved for nonresidential use. The Planning Board, or the Special Permit Granting Authority (SPGA), if it is not the Planning Board, may, by special permit, reduce the nonresidential space requirement.

Article 14: Conversion to Multifamily Use

To see if the Town will vote to amend the Zoning Bylaw as set forth in this article, or to take any other action relative there.

Purpose: This amendment will provide a way for existing nursing homes to be converted to a more marketable use. In Great Barrington, all three of our existing nursing homes are in residential zones. These existing facilities are served by water and sewer utilities, have their own onsite parking, and their scale and neighborhood impacts are known. However, if they were to close, the buildings cannot be readily repurposed to another use because of the residential zoning restrictions: more than eight (8) residential units is not permitted in these zones. This amendment would provide a path for a possible conversion to a new use. A special permit would be required, so that the Town and the abutters to weigh new impacts, if any, and to allow for site or building changes, if any.

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

Add new Section 8.10, as follows:

8.10 Conversion to Multifamily Use

8.10.1. Purpose:

1. To provide for the conversion of existing legally permitted nursing homes in residential zones to a more marketable use;
2. To retain and enhance the existing property tax base; and,
3. To protect surrounding residential neighborhoods from undue impacts from the new use.

8.10.2 Special Permit Required. Nursing homes in Residential zoning districts that were existing as of May 7, 2020 may be converted to a multifamily development by Special Permit from the Planning Board only if the Planning Board, after a public hearing, finds the following conditions are met:

1. The scale of the proposal, whether in existing and/or in additions or new structures, is not more detrimental to the residential neighborhood than the existing or previous nursing home use.
2. Public or private roads and driveways which lead to the property are of adequate design, width, and condition to handle proposed traffic.
3. Proposed traffic will not severely change the residential character of the neighborhood.
4. The development is or shall be served by sidewalks, bike lanes, and/or transit to the extent practicable.
5. The Board of Health confirms that the new proposed use can be accommodated with respect to onsite water, onsite septic disposal and any other standards of the Board of Health. In the case of public water or public sewer, the water district or Town sewer department, respectively, must certify in writing that the new proposed use can be accommodated.
6. Parking areas are screened from adjacent streets and properties, and have additional landscaped areas within the parking area to reduce the impact of large paved areas.

8.10.3 Signs. Signs shall be limited to one identification sign no more than nine (9) square feet in area except for traffic/parking/pedestrian regulation signs as required by the Planning Board. A deviation from this requirement may be authorized during the Special Permit process if the SPGA determines additional signs are not detrimental to the neighborhood.

8.10.4 Lighting. All lighting units shall be located no higher than 14 feet, with lights shielded to direct light downward. Lighting shall not cause glare onto abutting properties.

8.10.5 Density. The maximum number of residential units allowed on a site shall be determined by the Planning Board based on such factors as but not limited to, impact on the neighborhood, provision for adequate onsite amenities such as open space, recreational facilities, parking, landscaping, and buffers to surrounding residential areas.

8.10.6 Parking and Loading. Parking spaces for such uses shall be provided at the rate of at least one space per dwelling unit. There shall be at least one loading space. Deviation from these requirements may be granted by the SPGA.

8.10.7 Conditions. The Planning Board may impose additional restrictions or conditions to maintain the residential character of the neighborhood.

8.10.8 Site Plan Review. Proposals shall also be subject to Planning Board Site Plan Review as set forth in Section 10.5.

and amend Section 3.1.4, Table of Use Regulations, by adding a new note, "See also 8.10," to the Additional Applicable Regulations column for row B(10).

Add new item 5 to Section 7.18.4 of the Zoning Bylaw as underlined below:

7.18.4 Locational Requirements. Marijuana Establishments may be located in accordance with Section 3.1.4, Table of Use Regulations, except as follows:

1. No Marijuana Establishment or Medical Marijuana Treatment Center may be located closer than 200 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.
2. The distance in paragraph 1 is to be measured in a straight line from the nearest point of the property line of the proposed Marijuana Establishment or Medical Marijuana Treatment Center and the nearest point of the property line of the protected uses stated above in paragraph 1.
3. The Selectboard may, by special permit pursuant to Section 10.4, authorize a deviation from this distance requirement if it finds the Marijuana Establishment or Medical Marijuana Treatment Center will not be detrimental to a protected use.
4. Other types of marijuana establishments licensed by the Massachusetts Cannabis Control Commission may be permitted in accordance with the appropriate use category in the Table of Use Regulations.
5. Not more than seven (7) Retail Marijuana Establishments shall be permitted in the Town of Great Barrington.

TOWN MEETING - CITIZEN'S ARTICLE

DATE and TIME this paper received by Registrars
 1/31/20 2:36 pm
 JLM

We the undersigned voters of Great Barrington hereby request the following modifications to Section 8.4 of the Zoning Bylaw, to be added to the Warrant at the 2020 Annual Town Meeting. These same modifications regarding Mixed Use Development (MXD) were put forth by the GB Planning Board at the 2019 Annual Town Meeting and approved by an overwhelming majority of voters. The Town vote was subsequently overturned by the Massachusetts Attorney General due to a procedural error, based on the Town's failure to present the required publication of the Amendment prior to the vote.

We are hereby submitting and requesting for the 2020 Warrant that the language contained in the 2019 Warrant Amendment be voted on again. To note, this is the *identical* language that was endorsed by Select Board and Planning Board in 2019, and approved by the Town of Great Barrington voters at the 2019 Annual Town Meeting:
 [Continued on the reverse side]

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Great Barrington.

INSTRUCTIONS TO SIGNERS:
 Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

C h e c k	I Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	II Now Living At (Street and Number)	III		PRINTED NAME
			W a r d	P r e c e	
1	<i>Elysha Matz</i>	22 Mahaiwe Street	0	1	Elysha Matz
2			0	1	
3	<i>Barbara F. Matz</i>	22 Mahaiwe Street	0	1	Barbara F. Matz
4	<i>ETTORRE TOPPE</i>	38 Silver St	0	1	ETTORRE TOPPE
5	<i>DAVID UNGER</i>	38 Silver St	0	1	DAVID UNGER
6			0	1	
7	<i>Alice C. Leason</i>	17 Manville St	0	1	Alice C. Leason
8			0	1	
9	<i>Harvey Kammeroff</i>	25 Silver St	0	1	Harvey Kammeroff
10			0	1	
11	<i>Barbara P. Bailly</i>	9 Linda Lane	0	1	Barbara P. Bailly
12			0	1	
13	<i>Sue Farnum</i>	87 East St	0	1	Sue Farnum
14			0	1	
15	<i>Mary Anne T. Murray</i>	36 Hollenbeck Ave	0	1	Mary Anne T. Murray
16			0	1	
17	<i>Judith Corbett</i>	33 Rossell St	0	1	JUDITH CORBETT
18			0	1	
19	<i>Joan Peters</i>	57 East St	0	1	Joan Peters
20			0	1	

Instructions to Registrars
 You must time-stamp or write in date and time these papers are received.
 Check this against the name of qualified voter to be certified. For names not certified, use the codes opposite.

N no
 S una
 or addre
 W wro
 T alre
 (at lea:

Barbara Matz
 528-4073

CERTIFICATION OF SIGNATURES
 We certify that () signatures
 checked thus are names of voters of the Town of Great
 Barrington and are qualified to sign this petition.

 Regist

Article 21, Amendment 6, Section 8.4 of the Zoning Bylaw:

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 HVOD 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.

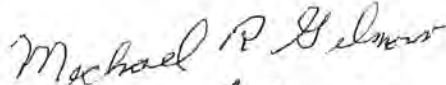

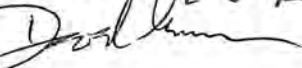
2. ~~A portion of the street level floor space shall be reserved for nonresidential use. Inside the Village Center Overlay District, this portion shall be a minimum of 75%. Inside the Village Center Overlay District, a minimum of 75% of street-level floor space shall be reserved for nonresidential use. 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.~~

1/28/2020

We the undersigned, seek a zoning change to the i2 zoning district.

Under use regulations 3.0c section 13(marijuana establishment and manufacturing) in the i2 zone. The current zoning is listed as a no. we would ask the planning board to change this to a SB zone.

Thank you for your consideration

Michael R Gilmore 
Michael P. Gilmore 
David A. Gilmore 

**Owners of property..
115 Gas House Lane
Great Barrington Mass 01230**

The Commonwealth of Massachusetts

DATE and TIME this paper received
by Registrars.
11/30/2020 12:40pm
Katherine Comodori

PETITION

Pursuant to General Laws, Chapter 39, section 10.

TOWN GREAT BARRINGTON

SUBJECT OR SUBJECTS REQUESTED FOR ACTION AT THE MEETING:

(To be filled in by petitioners. If space is insufficient, attach additional page of description to each petition form, before signatures are gathered.)

We the undersigned, seek a zoning change to the i2 zoning district.

Under use regulations 3.0c section 13(marijuana establishment and manufacturing) in the i2 zone. The current zoning is listed as a no. we would ask the planning board to change this to a SB zone.

SIGNER INFORMATION

INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in the town and your signature should be written substantially as registered. Do NOT sign more than one petition for the same subject.

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence.

If you have NOT moved since January 1 of this year, you need complete only columns I and II.

If you HAVE moved since January 1 of this year, you must complete columns I, II and III.

SIGNER'S STATEMENT

We, the undersigned, are qualified voters of the Town of GREAT BARRINGTON and in accordance with the provisions of law, request a special town meeting for the purposes above.

CHECK	I SIGNATURES to be made in person with name substantially as registered.	II NOW LIVING AT (Street & number, if any)	PREC.	III RESIDENCE ON JANUARY 1, If different (Street & number, if any)(City or town)
1	✓ Sean McNamee	5 Maplewood Ave GB.		
2	✓ Grace McNamee	5 Maplewood Ave GB.		
3	✓ [Signature]	26 Linda Lane GB		
4	✓ [Signature]	26 Linda Lane GB		
5	✓ [Signature]	3 MEADOW LANE GB		
6	✓ Robert Smith	33 North St. GB		
7	✓ [Signature]	16 Pine St GB		
8	✓ Daniel P. Higgins	125 State Road GB		
9	✓ [Signature]	27 Edin View GB		
10	✓ [Signature]	27 Edin View GB		
11	✓ [Signature]	10 Maple St GB		
12	✓ [Signature]	29 Paul St GB		

ATTENTION REGISTRARS: Before certifying signatures, see Instructions to Registrars on reverse side of this paper.

OVER

TOWN MEETING - CITIZEN'S ARTICLE

DATE and TIME this paper received by Registrars
 1/31/20 2:37 pm
 JLM

To ask Town residents to vote to amend Zoning Bylaw §9.11 as set forth below, and to amend the Zoning Map accordingly:

1. Amend a portion of Section 9.11, Mixed Use Traditional Zone (MXD), as follows:

9.11.2 Location. The MXD shall consist of the land shown on the 2015 2016 Town of Great Barrington Assessors' Map 22 as Parcels 2, 3A, 4-13 4-6, 18-63 63, 66-88 66-72, 81-88, 88A, and on Map 25 as Parcels 1-4.

2. Amend the Zoning Map by placing the following parcels in a R3 zone, as follows: the land shown on the 2016 Town of Great Barrington Assessors' Map 22 as Parcels 7-13, 18-62, 73-80.

[Continued on the reverse side]

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Great Barrington.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

	C h e c k	i Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	ii Now Living At (Street and Number)	iii		PRINTED NAME
				W a r r e d	P r e c	
1		<i>Dorothy M Federolf</i>		0	1	
2		<i>Dorothy M Federolf</i>	<i>20 Mainville St</i>	0	1	<i>DOROTHY M FEDEROLF</i>
3				0	1	
4		<i>Barbara F Matz</i>	<i>22 Mohaiwe Street</i>	0	1	<i>Barbara F. Matz</i>
5				0	1	
6		<i>Renee Hungerford</i>	<i>507 Main St. Apt. 1</i>	0	1	<i>Renee Hungerford</i>
7				0	1	
8		<i>Kevin Brenner</i>	<i>507 main st</i>	0	1	<i>Kevin Brenner</i>
9		<i>Monica Bossinger</i>	<i>507 Main St.</i>	0	1	<i>Monica Bossinger</i>
10				0	1	
11				0	1	
12				0	1	
13				0	1	
14				0	1	
15				0	1	
16				0	1	
17				0	1	
18				0	1	
19				0	1	
20				0	1	

Michael Kernan

413-645-3434

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

Check this against the name of qualified voter to be certified. For names not certified, use the codes opposite.

- N no such registered voter at that address
- S unable to identify signature or address, or illegible.
- W wrong district or community.
- T already signed this petition.

(at least three Registrars= names n

CERTIFICATION OF SIGNATURES

We certify that () signatures checked this are names of voters of the Town of Great Barrington and are qualified to sign this petition.

Purpose of the Amendment: At the 2016 Annual Town Meeting the Town Planning Board put through a proposal that created the MXD zone. The stated purpose of the 2016 proposal cites “the recommendations of the 2013 Master Plan to update the zoning in certain commercial areas within walking distance of a village center, to preserve and enhance the mix of residential and retail uses, and to reflect the context of the built fabric.” This MXD zone does not accomplish its stated purposes. It joins together two drastically different neighborhoods: the Mahaiwe Triangle (mostly residential parcels on Pope, Mahaiwe and Manville Streets, and 14 residential parcels along nearby Main Street) with commercial parcels west of Maple Avenue and south of Manville Street. The Mahaiwe Triangle is not a commercial area; it consists of one-family residences 60-120 years old with a smattering of houses legally converted into two-family and professional space.

As two separate pending lawsuits are demonstrating, this MXD zone has created a loophole by which land developers are acting without any effective zoning regulations. By examining the Table of Use Regulations in Zoning Bylaw §3.1.4 and the Schedule of Dimensional Requirements in Zoning Bylaw §4.1.2, it is appropriate to place the Mahaiwe Triangle in a R3 zone.

	Min lot	width	front	side	rear	Bldg %	story	Height
R3	5000	50	25	10	30	25	2.5	35
B2	43,560	50	50	20	30	25-40	2.5	35
MXD	5000	50	15	10	10	75	3.5	40

TOWN MEETING - CITIZEN'S ARTICLE

DATE and TIME this paper received by Registrars
 1/31/20 2:45 pm
 JWM

We the undersigned submit this citizen's petition to the voters of the Town of Great Barrington:
 To see if the Town will vote to amend sections 7.18.4 and 7.18.5 of the Great Barrington Zoning bylaw 7.18 Marijuana Establishments and Medical Marijuana Treatment Centers and modify section 3.1.4 Table of Uses accordingly or to take any other action relative thereto.

Purpose of the Amendment: The undersigned propose this amendment in response to the concerns expressed by some residents in numerous public meetings and forums as to the negative impacts of marijuana businesses in our community, particularly those located or proposed to be located in or near our residential neighborhoods. Our Master Plan states, "Great Barrington's vision includes protecting and enhancing our compact village centers, historic treasures, natural resources, farms, and open spaces, all of which contribute to Great Barrington's distinctive character. Our goals include directing development and growth into the village centers, supporting existing residential neighborhoods, and ensuring that new developments in resource areas are sited and built in a way that sustains our rural countryside and agricultural areas." (Cont. on Reverse)

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Great Barrington.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

	I	II	III	W	P	PRINTED NAME
	C h e c k	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	a r d	r e c	
1		<i>Barbara F. Matz</i>	22 Mahgine Street	0	1	Barbara F. Matz
2				0	1	
3		<i>Dorothy M Fetherolf</i>	20 Manville St	0	1	DOROTHY M FETHEROLF
4				0	1	
5		<i>John W. Fetherolf</i>	20 Manville St,	0	1	John W. Fetherolf
6				0	1	
7		<i>Matthew Barlow</i>	15 Manville St	0	1	Matthew Barlow
8				0	1	
9		<i>Trish Barlow</i>	15 MANVILLE ST	0	1	TRISH BARLOW
10		<i>Elysha Matz</i>	22 Mahgine St	0	1	Elysha Matz
11				0	1	
12				0	1	
13				0	1	
14				0	1	
15				0	1	
16				0	1	
17				0	1	
18				0	1	
19				0	1	
20				0	1	

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

Check thus ✓ against the name of qualified voter to be certified. For names not certified, use the codes opposite.

N no such registered voter at that address.

S unable to identify signature or address as that of voter because of form of signature or address, or illegible.

W wrong district or community.

T already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that () _____ signatures checked thus ✓ are names of voters of the Town of Great Barrington and are qualified to sign this petition.

(at least three Registrars= names must be signed or stamped below)

Registrars of Voters of the Town of Great Barrington

The Master Plan further states, "Residents expect and deserve quiet neighborhoods free from odor, glare, noise and other impacts of commercial activity. Proper buffering and design standards can help ensure business remains healthy and residential property values remain stable, while still encouraging concentration of development in the core areas." The undersigned bring forward the below changes to Zoning bylaw 7.18 in an effort to better align this bylaw and the Table of Uses with the goals and objectives of the Master Plan.

Proposed deletions of existing text are ~~struck through~~.

Proposed insertions are underlined.

1. Amend portions of Section 7.18.4 as follows:

7.18.4 Locational Requirements. Marijuana Establishments may be located in accordance with Section 3.1.4, Table of Use Regulations, except as follows:

1. No Marijuana Establishment or Medical Marijuana Treatment Center may be located closer than ~~200~~ 500 feet from a pre-existing public or private school, providing education in kindergarten or any of grades 1 through 12 child care facility, including preschools and daycare centers, or any facility in which children commonly congregate, including, but not limited to, a public library, a playground or park, an athletic field or recreational facility, a place of worship, or a town-owned beach.
2. The distance in paragraph 1 is to be measured in a straight line from the nearest point of the property line of the proposed Marijuana Establishment or Medical Marijuana Treatment Center and the nearest point of the property line of the protected uses stated above in paragraph 1.
3. The Selectboard may, by special permit pursuant to Section 10.4, authorize a deviation from this distance requirement if it finds the Marijuana Establishment or Medical Marijuana Treatment Center will not be detrimental to a protected use.
4. No Marijuana Establishment or Medical Marijuana Treatment Center will be allowed in any Residential District as described in Section 2.0 of the Zoning Bylaws.
4. ~~5.~~ Other types of marijuana establishments licensed by the Massachusetts Cannabis Control Commission may be permitted in accordance with the appropriate use category in the Table of Use Regulations.

2. Amend portions of Section 7.18.5 as follows:

7.18.5 Physical Requirements. In addition to pertinent requirements of implementing regulations of the Massachusetts Cannabis Control Commission, Marijuana Establishments and Medical Marijuana Treatment Centers shall comply with the following.

1. All aspects of a Marijuana Establishment or Medical Marijuana Treatment Center relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, marijuana accessories, related supplies, or educational materials shall take place at a fixed location within a fully enclosed building or fenced area dedicated to the cultivation of marijuana and shall not be visible from the exterior of the business.
2. No unprotected storage of marijuana, related supplies, or educational materials is permitted.
3. No use shall be allowed by a Marijuana Establishment or Medical Marijuana Treatment Center which creates a nuisance to abutters or the surrounding area, or which creates any hazard, including but not limited to fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive sound or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.
4. No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of a Marijuana Establishment or Medical Marijuana Treatment Center or at any adjoining use or property.
5. No noise from the establishment or its operations, including but not limited to ventilation, can be detected by a person with unimpaired and otherwise normal hearing at the exterior of a Marijuana Establishment or Medical Marijuana Treatment Center or at any adjoining use or property."
6. Marijuana Establishments or Medical Marijuana Treatment Centers with grow operations in a translucent building shall not illuminate grow operations between dusk and dawn.
3. ~~7.~~ Marijuana not grown inside a securable structure shall be enclosed within a six (6) foot fence, and inasmuch as possible the plants shall be screened from view, at grade, from a public way or from a protected use.
4. ~~8.~~ No outdoor cultivation of marijuana shall be allowed within ~~fifty (50)~~ two hundred (200) feet of any property line.