

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

The Great Barrington Planning Board will hold a public hearing pursuant to MGL Ch. 40A, s. 5, on Thursday, March 9, 2023 at 6:00 PM, at Town Hall, 334 Main Street, Great Barrington, MA 01230, to provide an opportunity for the public to comment on the following proposed changes to the Zoning Bylaw and Map:

Amending Section 11, Definitions related to family and dwelling units; Amending Section 6.4 Performance Standards, including adding subsections for site design and lighting standards; Amending Section 3.1.4, Table of Use Regulations, to permit 3-unit residential development by-right; Amending regulations in Sections 8.1, 8.2 and 8.3 governing two-, three-, accessory, and multi-unit dwellings; Amending Section 6.2.7 regarding trees on Route 7; Amending Section 3.1.4, Table of Use Regulations, to allow multi-unit residential and mixed-use development by-right in the B-2 zone and to require that such development include affordable housing; Amend the Zoning Map on Silver Street to change the zoning of certain parcels from R2 to R1A; and, by petition, Amending Section 9.3.16.5 of the Wireless Telecommunications Overlay District.

A copy of the proposed amendments may be reviewed on the town website [www.townofgb.org](http://www.townofgb.org) or in the Town Clerk's office at Town Hall. Any person wishing to be heard on these matters should attend the Hearing either in person or via Zoom.

To access via Zoom click here:

<https://us02web.zoom.us/j/82163850280>

Or dial: +1 929 205 6099

Webinar ID: 821 6385 0280

Contact the Planning Department by email for more information [crembold@townofgb.org](mailto:crembold@townofgb.org).

PB proposed zoning amendments for transmittal to SB  
February 10, 2023

**Article 1: DEFINITIONS**

*This proposal is intended to eliminate the outdated term “family” which can discriminate against non-nuclear families, unmarried couples, group homes, and people who choose to live together in group housekeeping arrangements, sometimes referred to as cohousing or coliving.*

**ACCESSORY DWELLING UNIT:** a subordinate dwelling unit on the same lot as a primary single ~~residential family unit dwelling~~ or two ~~family unit dwelling 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.

**DWELLING, ~~MULTIFAMILY~~ MULTI-UNIT:** A residential building containing three or more dwelling units ~~designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.~~

**DWELLING, SINGLE ~~FAMILY~~ UNIT:** A detached residential dwelling unit, other than a mobile home, ~~designed for and occupied by one family only.~~

**DWELLING, TWO- ~~FAMILY~~ UNIT:** A detached residential building containing two dwelling units, ~~designed for occupancy by not more than two families.~~

**DWELLING UNIT:** ~~One or more rooms constituting a separate, independent housekeeping establishment with cooking, living, sanitary and sleeping facilities for the use of one family. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.~~

**~~FAMILY:~~** ~~One or more individuals related by blood, marriage or adoption, or not more than five individuals who are not so related, living together as a single housekeeping unit.~~

**LIVE/WORK UNITS:** Space used by artists, craftspeople or persons engaged in creative services for the following two purposes: making items and/or performing services and residing on the premises. Such residency shall be limited to one family household per unit.

**MOBILE HOME:** A detached single ~~family~~ \_dwelling unit with substantially all of the following characteristics...

**PLANNED UNIT RESIDENTIAL DEVELOPMENT:** Any multi family unit development consisting of 10 or more dwelling units on a single lot or on separate lots within the same development, whether for rental or for sale, either as condominiums or under cooperative ownership.

[Perform a full code search for “family” and replace with “unit.”]

## Article 2: 6.4 PERFORMANCE STANDARDS

*This proposal is intended to amend Section 6.4, Performance Standards, in order to codify certain criteria into the regulations by which all land uses must abide, rather than leaving these criteria to the discretion of a permit granting authority. An example is exterior lighting, which is frequently a concern of neighbors and of permitting boards, but for which currently there ~~is~~are only ambiguous regulations.*

**6.4.1 General.** Hereafter, no land, building or structure in any district shall be used in a manner that creates any dangerous, injurious, noxious or otherwise objectionable fire, explosion or other hazard; noise or vibration, smoke, dust, dirt or other form of air pollution; electrical or other disturbance; glare or any other dangerous or objectionable substance, condition or element in any amount that adversely affects the surrounding area or premises. The determination of the existence of any dangerous or objectionable elements shall be made at or beyond the property lines of the use creating such elements, wherever the effect is greatest. Any use already established on the effective date of this Bylaw shall not be altered or modified to conflict with, or further conflict with, these performance standards.

**6.4.2 Deposited Materials.** No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces. Erosion control measures such as covering, planting, paving or other means to eliminate wind and water erosion shall be utilized to stabilize bare earth and/or stockpiled materials at all times.

**6.4.3 Fire Hazard; Pests.** All materials or wastes which constitute a fire hazard or which may be edible by or attractive to rodents or insects shall be stored outdoors only in closed containers.

**6.4.4 Discharges.** No discharge at any point into any public sewer, private sewage disposal system or stream, lake or pond or into the ground of any material of such nature or temperature as may contaminate any water supply or cause the emission of dangerous or offensive elements shall be permitted, except in accordance with standards approved by the Massachusetts Department of Public Health and the Board of Health of the Town of Great Barrington.

**6.4.5 Site Design.** All site development shall meet the following objectives and shall be reviewed at staff level for compliance for any two-unit or three-unit development. Any deviation for these criteria shall require approval by the Planning Board through the Site Plan Review process

1. Existing grade should be changed minimally, typically departing from existing grade by no more than six feet, and resulting in a balance on site between cut and fill, except for basement and cellar excavations.
2. Site circulation. Site circulation should have clarity from the driver's perspective, shall be designed to minimize glare from headlights, and shall be designed to promote safe pedestrian access.
3. Pedestrian access. Pedestrian access should be provided among all facilities on the site, including parking, between them and the street and between them and adjacent premises developed for uses open to the public to ensure accessibility and pedestrian and vehicular safety, both on the site and accessing and exiting the site.
4. There shall be no contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances in ~~quantities~~ quantities greater than those normally associated with household use.
5. Drainage controls shall be specifically designed for the site based on the project's and site's characteristics, and such controls shall be detailed on application documents.
6. Parking, storage, or other outdoor service areas viewed from public ways and abutting properties residentially used or zoned shall be screened.

7. All proposed lighting shall comply with 6.4.65 of this by law.

8. All proposed projects shall comply with 6.2 and 6.3 of this by law. The removal of trees 6" caliper or larger is discouraged and shall require replacement as is feasible for the site and project.

**6.4.6 Lighting.** It is the intent of this section to establish lighting standards that result in exterior lighting systems that are designed, constructed, and installed to control glare and light trespass, to minimize obtrusive light, to conserve energy and resources while maintaining safety, visibility, security of individuals and property, and curtailing the degradation of the nighttime visual environment.

The following standards shall apply to all exterior light fixtures, whether new or replacement, except for temporary lights.

1. All lights shall have full horizontal shielding such that the housing does not allow any light dispersion or direct glare to shine above a ninety-degree or horizontal plane from the base of the fixture.
2. Any LED lights shall have a color temperature of 3,000 Kelvin or less.
3. No light shall remain permanently illuminated between the overnight hours from 11:00 PM to 5:00 PM unless the light can be dimmed to ~~not more than~~ 50 percent or less luminance, except for lights at emergency facilities. Motion sensors and photo cells may be utilized to turn on lights or to increase lighting to full luminance.

**6.4.7 Special Permit.** The Planning Board may, by special permit pursuant to Section 10.4, authorize a deviation from any requirement set forth in this Section 6.4. In instances where an application is pending before a different Special Permit Granting Authority, that body may, in accord with a finding by the Planning Board, authorize the deviation from the requirements of Section 6.4.

**Article 3: TABLE OF USE REGULATIONS**

*This proposal is intended to regulate three-unit residential uses in the same manner as two-unit residential uses; in other words, three-unit structures would be allowed by right in all zones, rather than special permit in residential zones and by right in business zones. It would thus classify as multi-unit residential uses those uses with four or more units, and they would be allowed as per A (3) of the Table of Use Regulations.*

| Permitted Use              |   | ZONING DISTRICT <sup>1</sup> |                |                |                |                |                |                |                |                |                |                |                |                |                | ADDITIONAL APPLICABLE REGULATIONS |                                    |
|----------------------------|---|------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|-----------------------------------|------------------------------------|
|                            |   | R1A                          | R1B            | R2             | R3             | R4             | B              | HVC            | B1             | B2             | B2A            | B2X            | B3             | MXD            | I              |                                   | I2                                 |
| <b>A. Residential uses</b> |   |                              |                |                |                |                |                |                |                |                |                |                |                |                |                |                                   |                                    |
| (1)                        | Dwelling, Single <del>family</del> unit         | Y                            | Y              | Y              | Y              | Y              | Y              | Y              | Y              | Y              | Y              | Y              | Y              | Y              | SB             | SB                                |                                    |
| (2)                        | Dwelling, Two- <del>family and three-unit</del> | Y <sup>2</sup>               | Y <sup>2</sup> | Y <sup>2</sup> | Y <sup>2</sup> | Y <sup>2</sup> | Y <sup>2</sup> | Y <sup>2</sup> | Y <sup>2</sup> | Y <sup>2</sup> | Y <sup>2</sup> | Y <sup>2</sup> | Y <sup>2</sup> | Y <sup>2</sup> | Y <sup>2</sup> | Y <sup>2</sup>                    | See also <a href="#">8.1-8.7</a> . |
| (3)                        | Dwelling, multi- <del>unit</del> family         |                              |                |                |                |                |                |                |                |                |                |                |                |                |                |                                   |                                    |
|                            | 34 to 8 units                                   | SB                           | SB             | SB             | SB             | N              | Y              | SB             | SB             | Y              | SB             | Y              | Y              | Y              | N              | SB                                | See also <a href="#">8.3</a>       |
|                            | 9 units or more                                 | N                            | N              | N              | SB             | N              | SB             | SB             | N              | SB             | SB             | SB             | Y              | SB             | N              | SB                                | See also <a href="#">8.3</a>       |

<sup>2</sup> NOTE: Dimensional and lot size requirements and other conditions as set forth in 8.1.1 and 8.1.4 shall apply even where the use is permitted by right.

## Article 4:

*This proposal is intended to amend the regulations in 8.1 and 8.3 of the bylaw to reflect that two-unit and three-unit residential uses are now regulated similarly.*

*This proposal is also intended to remove site plan review requirement from accessory dwelling units, and from two- and three-unit proposals. Instead the design, performance, and neighborhood impact of these uses will be required to comply with clear criteria set forth in the bylaw at Section 6.4.*

### 8.1 ~~TWO- AND THREE-UNIT FAMILY RESIDENTIAL USES OF A SINGLE LOT~~

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

~~**8.1.2 Site Plan Approval Required.** Two family residential use of a single lot shall require site plan approval from the Planning Board. Every application for a site plan approval shall be accompanied by site plans, floor plans and elevations meeting all applicable requirements of this Bylaw.~~

**8.1.3~~2~~ Requirements.** All two-~~family~~ ~~and three-unit~~ residential uses shall comply with the following requirements:

- ~~1. All repairs, renovations or construction specified by the applicant in his application shall be made to the satisfaction of the Inspector of Buildings before an occupancy permit is issued.~~
- ~~2. There shall be separate toilet, bath and kitchen facilities for each dwelling unit.~~
3. Fire escapes and outside stairways leading to a second or higher story, where practicable, shall: not be located on any building wall facing a street; be located on the rear of the building; and comply with Section 4.2.3, Permitted Projections into Yards.
4. 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.
5. Drainage controls shall be specifically designed and detailed on drawings. ~~Drainage improvements may be required as a condition of the site plan review approval.~~
- ~~6. Any other conditions specified by the Planning Board.~~

~~**8.1.4 Notice.** The Planning Board shall notify the Inspector of Buildings of its site plan review approval and any conditions prior to the issuance of a building permit.~~

### 8.2 ACCESSORY DWELLING UNIT (ADU)

**8.2.1 General.** An accessory dwelling unit (ADU) is permitted in any district, except where an ADU is proposed in a legally pre-existing nonconforming structure, in which case the ADU shall require a special

permit issued by the Zoning Board of Appeals in accordance with Sections 5.0, 8.2, and 10.4.

~~8.2.2 Site Plan Approval. Any new ADU shall be subject to site plan review and approval based upon the criteria set forth herein and in Section 10.5. The Planning Board will conduct the site plan review in accordance with Section 10.5 and all criteria specified in Section 8.2. An approved site plan for an ADU is required prior to the issuance of the building permit by the Building Inspector. The Board of Health shall give its approval prior to the issuance of a building permit.~~

### **8.2.32 Requirements.**

1. Only one ADU may be established per lot.
2. An ADU may not in any case be larger than 900 square feet of net usable floor area. If a dwelling unit greater than 900 square feet of net usable floor area is created within a single-family home, the residence will be considered a two-family unit dwelling and will be subject to the requirements of Section 8.1 of this Bylaw.
3. 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.
4. 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.~~ Deviation from these requirements may be permitted in accordance with Section 6.1.9.
5. An ADU may be created within a new or a previously existing single-family unit or two-unit family residential structure.
6. 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.
7. Fire escapes and outside stairways leading to a second or higher story shall comply with Section 4.2.3.
8. 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 full time employees.
9. The Board of Health or its agent shall give its approval prior to the issuance of a building permit.

## **8.3 MULTI-UNIT FAMILY DWELLINGS**

**8.3.1 General.** Multi-unit residential family-uses may be permitted by-right or by special permit as set forth in the Table of Use Regulations, and. ~~All multi family uses~~ shall require site plan approval in accordance with Section 10.5.

**8.3.2 Definition.** For the purposes of this section, the placing of more than ~~two-three~~ dwelling units on a single lot, under any circumstances, shall be considered a multi-~~unitfamily use residential use~~. Example: an accessory dwelling unit on the same lot as a three-unit residential use would classify as a multi-unit residential use.

**8.3.3 Requirements.** Multi-~~unitfamily~~ dwellings shall comply with all the following special requirements ~~and procedures~~, as applicable, ~~which shall be made conditions of the special permit~~. The Special Permit Granting Authority (SPGA) may waive any or all of these requirements for multi-~~unitfamily~~ dwellings in existence as of May 9, 2016, after making a specific finding of why the requirement should not apply, and shall note any waivers in the Special Permit decision.

~~1. In a multi-unit multifamily development, more than one principal building may be permitted on a lot, provided that there shall be at least 2,500 square feet of lot area for each dwelling unit. The SPGA may, by special permit, allow the lot area per unit to be less than 2,500 square feet per unit.~~

~~2.1~~ 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% of the total area of the property.

~~3.2~~ 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 12 feet. In the event that the required parking spaces cannot be provided on the property, deviation from this requirement may be permitted in accordance with Section 6.1.9.

**8.3.4 Procedures.** ~~When filing 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 SPGA shall notify the Inspector of Buildings of its approval of a special permit.~~

**8.3.5 Occupancy Permit.** ~~All repairs, renovations or construction specified by the applicant in his application shall be completed to the satisfaction of the Inspector of Buildings before an occupancy permit is issued.~~

**8.3.64 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.



## Article 5:

This proposal will amend Route 7 landscaping requirements because the existing requirement for a new tree for every 25 feet of frontage has proven to be impractical. [REFERENCE 6.2.1 applicability](#)

**6.2.7 Required Trees.** At least one deciduous tree shall be planted within the lot's front setback for every ~~25~~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.

## Article 6:

### Amend the B-2 zone regulations

*These amendments would change certain regulations in Section 3.1.4, the Table of Use Regulations, governing the B-2 zone. Specifically, the amendments would change the permissions for Multi-Unit Residential Development of more than 9 dwelling units and for Mixed Use development from Special Permit to by-right. These amendments will remove the costs, risks, and uncertainty inherent in a special permit, from a developer's feasibility analysis. However, the Town will require that a portion of the dwelling units be available at an affordable price.*

1. Amend the Table of use Regulations for the B-2 zone to allow Multi-unit dwellings of 9 units or more and Mixed Use by-right.
2. Add a footnote to the above of the above that requires at least 10% of the units to be affordable at not more than 100% AMI for 20 years; (achieves goal 2 above)

### TABLE OF USE REGULATIONS

| Permitted Use              |  | ZONING DISTRICT <sup>1</sup>        | ADDITIONAL APPLICABLE REGULATIONS  |
|----------------------------|--|-------------------------------------|--|
|                            |  | B2                                  |  |
| <b>A. Residential uses</b> |  |                                     |  |
| (1)                        | Dwelling, Single family                            | Y                                   |  |
| (2)                        | Dwelling, Two-family                               | Y <sup>2</sup>                      | See also <a href="#">8.1</a> , <a href="#">8.7</a> .   |
| (3)                        | Dwelling, multifamily<br>3 to 8 units              | Y                                   | See also <a href="#">8.3</a>   |
|                            | 9 units or more                                    | <del>SB</del> <u>Y</u> <sup>x</sup> | See also <a href="#">8.3</a> , <a href="#">Affordable housing per footnote x</a>                       |
| (4)                        | Assisted living residence                          | PB                                  | See also <a href="#">8.8</a>   |
| (5)                        | Live/work units                                    | Y                                   | See also <a href="#">9.4</a> , <a href="#">9.6</a> .   |
| (6)                        | Lodging house or tourist home for transient guests | SB                                  | See also <a href="#">7.16</a>  |
| (7)                        | Mixed <u>use</u>                                   | <del>SB</del> <u>Y</u> <sup>x</sup> | See also <a href="#">8.4</a> , <a href="#">9.6</a> . <a href="#">Affordable housing per footnote x</a> |

<sup>x</sup> In any development containing 9 or more residential units, at least ten percent of those units shall be dedicated as a unit affordable to a household earning not more than 100 percent of the area median

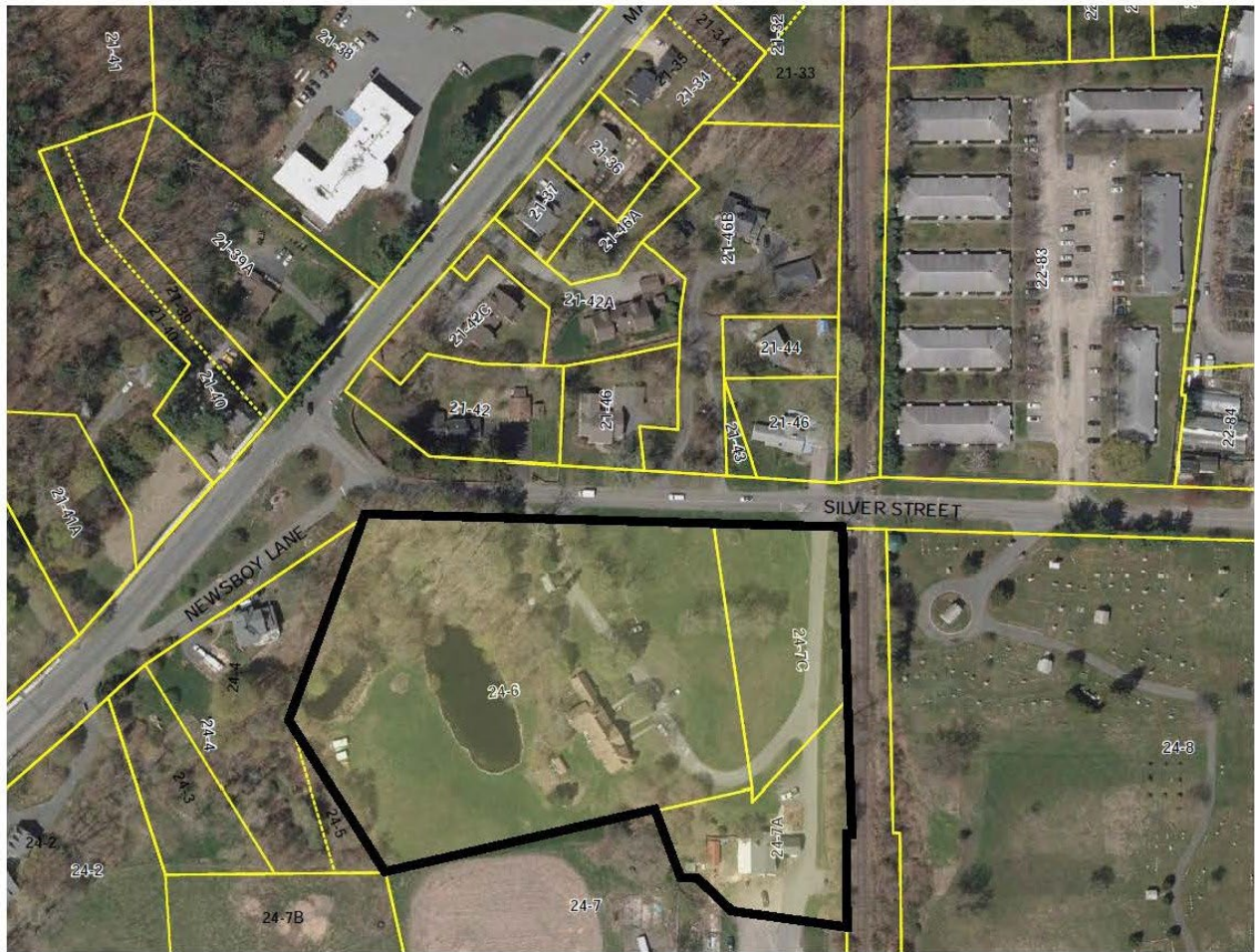
income. Any fractional unit shall be rounded to the next whole number. The unit(s) shall be set forth in a covenant, deed restriction or similar legal document running with the land for a period of not less than 20 years from the first date of certificate of occupancy of the unit.

And:

Amend the table of dimensional requirements to allow up to 4 stories and 40 feet instead of current 3 stories and 40 feet.

**Article 6:**

To see if the Town will vote to amend the Zoning Map by changing the zoning designation of parcels 6, 7A, and 7C on Assessor's Map 24 from R2 to R1A.



The following amendment is proposed by Citizen Petition

# TOWN MEETING - CITIZEN'S ARTICLE

DATE and TIME this paper received by Registrars  
1/31/23 KVC 1:32p

We the undersigned residents of the Town of Great Barrington do hereby request a warrant to be on the agenda for the May 1st 2023 Annual Town Meeting to present the following motion for the following addition to the General bylaws;

(Citizen's Petition) To see if the Town will vote to add under the General Legislation / Zoning Section 9.3.16.5 Wireless Telecommunications Overlay District; to adopt a Wireless Telecommunications Facilities (WTFs) application requirement for completeness:

WTF applications, will be considered incomplete until the FCC completes the DC Circuit court-mandated Environmental Review of the entire 800,000 to 1 million WTF roll out to the conditions as stated in the NEPA Policy Act 1969<sup>1</sup> including studies from scientists independent from industry, who have fully investigated millimeter wave 5G small cell technology safety; and that the FCC regulations have been updated to include measures that comply with the results of this review; and, that the Town of Great Barrington shall consider reasonable alternatives such as fiber optic.

**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      |
|----|-------|---|-----------------------------------|------|-------|-------------------|
|    | Check | 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) | rong | reced |                   |
| 1  | ✓     | Randi M Jordan  | 55 Blue Hill Rd                   | 0    | 1     | Randi M Jordan    |
| 2  | ✓     | Thomas C Jordan   | 55 Blue Hill Rd                   | 0    | 1     | Thomas C Jordan   |
| 3  | ✓     | Roland W Duprey   | 51 Blue Hill Rd                   | 0    | 1     | Roland W Duprey   |
| 4  | ✓     | Elissia M Duprey  | 51 Blue Hill Rd                   | 0    | 1     | Elissia M Duprey  |
| 5  | ✓     | Richard V Flank   | 51 Blue Hill Rd                   | 0    | 1     | RICHARD V FLANK   |
| 6  | ✓     | Frances Kollman   | 34 Blue Hill Rd                   | 0    | 1     | Frances Kollman   |
| 7  | ✓     | Susan Fish  | 136 Pine St                       | 0    | 1     | Susan Fish        |
| 8  | ✓     | Ben Fish  | 136 Pine St                       | 0    | 1     | Ben Fish          |
| 9  | ✓     | Peter Fish  | 136 Pine St                       | 0    | 1     | Peter Fish        |
| 10 | ✓     | Jeremy K. Higgins   | 5 Rose Ct E                       | 0    | 1     | Jeremy K. Higgins |
| 11 | ✓     | Ronald J Goldberg   | 24 Silver St E                    | 0    | 1     | Ronald J Goldberg |
| 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 signat or address, or illegible.

W wrong district or community.

T already signed this petition.

**CERTIFICATION OF SIGNATURES**

We certify that ( 11 ) Eleven 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)

Jennifer L. Messina

Marie Y. Ryan

Ellen Smith

Linda A Coone

Registrars of Voters of the Town of Great Barrington

# TOWN MEETING - CITIZEN'S ARTICLE

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Registrars  
1/31/23 KVC 1:32p

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|    | I     | II  | III                               | W   | P   | PRINTED NAME     |
|----|-------|---|-----------------------------------|-----|-----|------------------|
|    | Check | 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) | ard | rec |                  |
| 1  | ✓     | <i>A. Krest</i>   | 15 Pleasant St GB                 | 0   | 1   | Andrea Krest     |
| 2  | ✓     | <i>Krystyna Kurzyca</i>   | 18 Rosseter St GB                 | 0   | 1   | Krystyna Kurzyca |
| 3  |       |   |                                   | 0   | 1   |                  |
| 4  |       |   |                                   | 0   | 1   |                  |
| 5  |       |   |                                   | 0   | 1   |                  |
| 6  |       |   |                                   | 0   | 1   |                  |
| 7  |       |   |                                   | 0   | 1   |                  |
| 8  |       |   |                                   | 0   | 1   |                  |
| 9  |       |   |                                   | 0   | 1   |                  |
| 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   |                  |

**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 signat or address, or illegible.

W wrong district or community.

T already signed this petition.

**CERTIFICATION OF SIGNATURES**

We certify that ( 2 ) Two 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)

*Jennifer L. Messina*

*Marie G. Ryan*

*Ellen Smith*

*Linda A. Crowe*

Registrars of Voters of the Town of Great Barrington

DATE and TIME this paper received by Registrars  
 1/31/23 KVC 1:32p

# TOWN MEETING - CITIZEN'S ARTICLE

We the undersigned residents of the Town of Great Barrington do hereby request a warrant to be on the agenda for the May 1st 2023 Annual Town Meeting to present the following motion for the following addition to the General bylaws;

(Citizen's Petition) To see if the Town will vote to add under the General Legislation / Zoning Section 9.3.16.5 Wireless Telecommunications Overlay District; to adopt a Wireless Telecommunications Facilities (WTFs) application requirement for completeness:

WTF applications, will be considered incomplete until the FCC completes the DC Circuit court-mandated Environmental Review of the entire 800,000 to 1 million WTF roll out to the conditions as stated in the NEPA Policy Act 1969<sup>1</sup> including studies from scientists independent from industry, who have fully investigated millimeter wave 5G small cell technology safety; and that the FCC regulations have been updated to include measures that comply with the results of this review; and, that the Town of Great Barrington shall consider reasonable alternatives such as fiber optic.

**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<br>h<br>e<br>c<br>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<br>r<br>d | r<br>e<br>c |                        |
| 1  | ✓                     | Mary Patricia Atchison  | 31 Pleasant St., GB               | 0           | 1           | Mary Patricia Atchison |
| 2  | ✓                     | Daniel Seitz  | 31 PLEASANT ST.                   | 0           | 1           | DANIEL SEITZ           |
| 3  | ✓                     | Cole Seitz  | 31 Pleasant St.                   | 0           | 1           | Cole Seitz             |
| 4  | W                     | Olivia Rieser   | 52 Old Joe Rd                     | 0           | 1           | Olivia Rieser          |
| 5  | N                     | Sean Murphy   | 47 Railroad St                    | 0           | 1           | Sean Murphy            |
| 6  |                       |   |                                   | 0           | 1           |                        |
| 7  |                       |   |                                   | 0           | 1           |                        |
| 8  |                       |   |                                   | 0           | 1           |                        |
| 9  |                       |   |                                   | 0           | 1           |                        |
| 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           |                        |

**Instructions to Registrars**

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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 as that of voter because of form of signat or address, or illegible.

W wrong district or community.

T already signed this petition.

**CERTIFICATION OF SIGNATURES**

We certify that ( 3 ) Three 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)

\_\_\_\_\_  
 Jennifer L. Messina  
 \_\_\_\_\_  
 Marie Y. Ryan  
 \_\_\_\_\_  
 Ellen Smith  
 \_\_\_\_\_  
 Linda A. Coone

Registrars of Voters of the Town of Great Barrington

<sup>1</sup> The FCC is required by the National Environmental Policy Act of 1969, among other things, to evaluate the effect of emissions from FCC-regulated transmitters on the quality of the human environment. On August 9, 2019, the D.C. Circuit Court of Appeals, in its Ruling in Case 18-1129, vacated FCC Order 18-30's deregulation of small-cell Wireless Transmission Facilitie(s) [sWTFs] and remanded this to the FCC. In Case 18-1129, the judges stated that "the FCC failed to justify its determination that it is not in the public interest to require review of [sWTF] deployments" and ruled that "the Order's deregulation of [sWTFs] is arbitrary and capricious." The FCC was mandated to do this review in two court rulings which are submitted into the record: one in 2019 in Case 18-1129, *Keetoowah et al. v FCC*; and another in 2021 in Case 20-1025, *EHT/CHD v FCC*. To date the FCC has not complied.

<https://scientists4wiredtech.com/2019/08/federal-court-overturms-fcc-order-bypassing-environmental-r>

<https://www.fcc.gov/document/dc-circuit-decision-environmental-health-trust-v-fcc>

**Definition:** Wireless Telecommunications Facilities means the plant, equipment and property including, but not limited to, cables, wires, conduits, ducts, pedestals, electronics, and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireless telecommunications service. October 1, 2019, the D.C. Circuit Court of Appeals in Case No, 18-1051, *Mozilla et al. v. FCC*, confirmed internet "Services" to be reclassified by the FCC as Title I, unregulated "Information Services". At present, only wireline and wireless telephone and text transmissions are classified as Title II, regulated "Telecommunications Services". Title I and Title II applications, therefore, need to be regulated differentially by local planning boards and commissions. Every new [wireless telecommunications facility ("WTF")] must undergo NEPA review, and that WTF applications cannot be batched for such purpose