

**Zoning Board of Appeals
Town of Great Barrington**

Minutes of Tuesday, June 6, 2023

The meeting was held in-person at Town Hall and remotely via Zoom Video/Telephone conference. Assistant Town Manager/Planning Director Christopher Rembold called the meeting to order at 7:30 PM so that the Board could reorganize.

All members were present in-person: Carolyn Ivory, Stephen McAlister, Madonna Meagher, Peter Most, Michael Wise, and alternate member JB Brodeur.

Also Present: Assistant Town Manager/Planning Director Christopher Rembold.

Reorganize:

Ivory nominated Wise as Chair. Passed unanimously, 5-0.

Chair Wise then presided over the balance of the meeting.

Ivory nominated McAllister Vice Chair. Passed unanimously, 5-0.

Meagher nominated Ivory as Clerk. Passed unanimously, 5-0.

Public Hearing: 777 Main Street, Special Permit application to act on a Special Permit application from Berkhill 777 LLC, c/o Susan Shoval, to expand an existing nonconforming residential use on the second floor of 777 Main Street, Great Barrington, in accordance with Sections 5.2 and 10.4 of the zoning bylaw. The Board made a site visit to the premises at 6:00PM earlier in the evening.

Attorney Peter Puciloski presented the application on behalf of the applicant. He said this an old building that does not conform to setback. His clients bought the building several years ago and discovered that the two apartments on the second floor were never permitted by building or occupancy permits. He said before we go to the building inspector to determine what code upgrades need to be made, we need to legitimize these apartments under zoning. He said we are here to ask you to issue a Special Permit for two apartments. He said they are working class apartments and the owners intend to provide it.

Ivory asked how long the apartments have been there. Puciloski said in 2014 the spaces were commercial and converted to apartments soon after that.

Wise asked about side setbacks. Puciloski said it violates the side setbacks on both sides.

Wise asked about the use. Rembold said mixed-use requires a special permit in this zone.

Wise asked if there were comments from other boards. Rembold said the Conservation Commission determined it has no jurisdiction, and both the Planning Board and Selectboard voted to send positive recommendations.

Wise asked if there were comments from the public. There were none.

Ivory asked if there have been complaints or letters submitted. Rembold said no

Motion: Most moved to close the public hearing

Second: McAlister seconded.

Chair Wise closed the hearing without any objections.

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

1. Social, economic, or community needs which are served by the proposal.
Ivory said it is obvious that the Town needs housing and the applicants will provide two legal apartments. McAllister said we need workforce housing like these. All agreed.
2. Traffic flow and safety, including parking and loading.
All agreed there are no issues. There are no changes proposed.
3. Adequacy of utilities and other public services.
All agreed there are no issues. There are no changes proposed.
4. Neighborhood character and social structures.
All agreed there are no issues. There are no changes proposed.
5. Impacts on the natural environment.
All agreed there are no issues. There are no changes proposed.
6. Potential fiscal impact, including impact on town services, tax base, and employment.
All agreed workforce housing is needed. All agreed there is little fiscal impact.

The members discussed whether the proposed change is more detrimental to the neighborhood than the existing nonconformity. All agreed it will not be.

Chair Wise asked for a motion to grant the permit based on the above findings.

Motion: Most moved to approve the Special Permit as presented.

Second: Ivory seconded.

Vote: Ivory-aye, Meagher-aye, McAlister-aye, Most -aye, and Wise-aye (passed 5-0).


The special permit was granted.

Minutes: Wise suggested two changes. Motion: Ivory moved to approve the minutes of the October 25, 2022 meeting, as amended by Wise. Meagher seconded. The motion was approved without objection.

Citizen Speak: None

Adjourn: Wise adjourned the meeting at 6:50 PM.

Respectfully submitted,



Christopher Rembold