

Great Barrington Zoning Board of Appeals

Minutes of the Tuesday, December 15, 2020, 7:30 PM meeting

The meeting was held via Zoom Video/Telephone Conference as stated in the agenda.

Chair Majdalany called the meeting to order at 7:30.

Members Present:

Chair Ron Majdalany, Carolyn Ivory, John Katz (alternate), Stephen McAlister, Madonna Meagher, and Michael Wise

Absent: none

Also Present: Assistant Town Manager Christopher Rembold

Public Hearing:

Majdalany opened the Public Hearing for the Special Permit application from Dan and Jenna Huggins, who are seeking to expand a nonconforming home at 45 Pearl Street. The Board made a site visit at 4:00 this afternoon.

Jenna said we are looking to add an addition to the existing house. It will add about 1,200 square feet to the existing 1,200 square foot house. This will not meet the 25% or less requirement of Section 5, and that is why we need ZBA permission. Dan said we are looking to make the home bigger with bathroom and bedroom for the kids.

Majdalany asked if they could show the house was legally nonconforming.

Dan said the house was part of one piece of property until recently, but it existed before zoning. He said it was built in the late 1890s, and a 1930 deed refers to this house.

McAlister referred to the memo from Mr. Rembold dated December 11, which contains an image of a 1904 map with this house shown. Ivory said that map is definitive, and she appreciated doing a site visit to see the property in context.

Majdalany asked for comments from other Boards. Rembold said the Board of Health and Conservation Commission determined they do not have jurisdiction. The Selectboard and Planning Board both made positive recommendations that the permit be granted.

Wise moved to close the hearing, Meagher seconded. Roll call vote: Ivory-aye, McAlister-aye, Meagher-aye, Wise-aye, and Majdalany-aye (passed 5-0).

Board members made a positive finding that the house is legally preexisting nonconforming based on the evidence previously discussed.

Board members discussed whether the addition would make the nonconforming more detrimental. Ivory said no, it will improve the property. McAlister said it will also improve the neighborhood. All agreed.

Board members then discussed the six special permit criteria of Section 10.4:

1. All agreed improved housing will help meet social, economic, or community needs.
2. All agreed there would be no traffic flow or parking safety issues. It's not adding more traffic and it's a private, quiet dead end street.

3. All agreed it is on public water and sewer; there are adequate utilities and other public services.
4. All agreed it will enhance the neighborhood character.
5. All agreed it will not impact the natural environment.
6. All agreed it will improve the tax base without detrimental impacts on town services.

McAlister moved to approve the Special Permit; Ivory seconded.

Roll call vote: Ivory-aye, McAlister-aye, Meagher-aye, Wise-aye, and Majdalany-aye (passed 5-0).

McAlister will write the decision.

Minutes of December 17, 2019:

Ivory moved to accept the minutes as written. Meagher seconded. Roll call vote: Ivory-aye, McAlister-aye, Meagher-aye, Wise-aye, and Majdalany-aye (passed 5-0).

Other Business:

Ivory asked if the GJO issue required another ZBA and Selectboard joint meeting. Rembold will ask Town Counsel.

Majdalany reminded members to complete the Open Meeting Law and Ethics test certifications this year.

Citizen Speak: none

Majdalany adjourned the meeting at 7:49 PM.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Christopher Rembold", written in dark ink.

Christopher Rembold