

# EGREMONT PLANNING BOARD

## Minutes June 24, 2019

**Call to Order:** 7:00 PM

**Present:** Greg Cherin, Jared Kelly, Eddie Regendahl, Nick Keene, Helen Krancer  
Citizens in attendance: Zoe Hirsch-Buckley, Marj Wexler, Eileen Vining, Tom Race, Scott Race, Margaret McDonough, Planner, BRPC, Mary McGurn, Stephen Cohen

The Chairman read the following: The official record of this meeting is being kept via written minutes. The Planning Board is not recording this meeting. Anyone wishing to record this meeting must inform the Chair now. There were no requests.

**Form A(s):** None

**Citizen Time:** Mary McGurn informed the Board about a discussion of Adaptive Reuse of Historic Churches to take place at the June 26, 2019 meeting of the Western Massachusetts Historical Commission Coalition.

**Mail:** 1) Great Barrington notice of Special Permit decision granting permission to Terrence and Terri Coughlin, 342 Main Street, to run a five guest room tourist home bed and breakfast;  
2) Notice of the Egremont Zoning Board of Appeals June 19 meeting;  
3) Memo from Paul Lisi, Jr, Egremont Town Accountant re the End of the Fiscal Year.

**Newsletter:** Krancer's draft newsletter article was approved with changes.

**Old Business:** Terra Ferma Estates Subdivision

The chairman, Greg Cherin, asked Jared Kelly to check with town counsel to find out whether the Races can go directly to the building inspector, or whether any action is required by the Planning Board. The original subdivision plan was registered with the Registry of Deeds as was the 2012 Form A. Cherin is authorized to email town counsel's response to the Board and also to let the Races know what town counsel says.

### Accessory Dwelling Unit Proposed Bylaw

- 1) Discussion of the Purpose and Intent; it will be rewritten.
- 2) Request made that the proposed bylaw be rewritten in our bylaw's format ready for the warrant.
- 3) Kelly thought the Purpose and Intent is not necessary.
- 4) Discussion of using Gross Floor Area, which, with some exceptions, measures the exterior of the building, as the measurement for an ADU size limit. Regendahl pointed out that even if the walls are a foot thick, the interior living space would be approximately 700 square feet.
- 5) Kelly suggested adding this proposed bylaw to the intensity regulations).
- 6) Krancer suggested adding 700 square feet interior space if the Board uses Gross Floor Area so that the inside can be a maximum of 700 square feet.
- 7) Krancer stated she doesn't want a lot with two-family dwelling to have an ADU. She suggested adding that a one-family that has already converted to a two-family, cannot have an ADU. Kelly suggested using the multi-family lot size, and the setbacks, to allow an ADU on a lot with a two-family dwelling.
- 8) Converting an existing structure: Discussion of the size of an ADU in a building such as a garage. If the ADU is smaller than the garage, couldn't the ADU be made larger and not waste the extra space? It was also suggested that the Planning Board be given the discretion to allow an ADU larger than the 800 square feet of gross floor area. It was pointed out that the Attorney General would probably disallow this as it is not specific enough.

## EGREMONT PLANNING BOARD Minutes June 24, 2019

Cherin said that in order to make some decision, the Board will vote on the following questions at the next meeting:

1. Use Accessory Dwelling Unit or Secondary Dwelling Unit.
2. Whether to allow an Accessory Dwelling Unit on a lot with an existing two-family dwelling. If the vote is ~~yes~~, to allow, then use the multi-family lot size and setbacks.
3. Allow existing accessory structures to be converted into Accessory Dwelling Units/Secondary Dwelling Units.
4. Decide the maximum size of an Accessory Dwelling Unit/Secondary Dwelling Unit in an existing structure.
5. Decide on which section of the Zoning Bylaw to polace the Accesory/Secondary Dwelling Unit bylaw.

### Recreational Marijuana Proposed Bylaw

Reports by the volunteers doing research for the Board: Zoe Hirsch-Buckley provided a handout from the Cannibus Countrol Commission, ~~Equitable Cannibus Policies for Municipalities~~, which can be found at their website under ~~Guidance~~. Mary McGurn explored Retail Marijuana Stores. She looked at the CCC's definition, at other municipalities' bylaws of which she found Lee's to be very comprehensive. Because Don Pulver could not attend this meeting, Mary submitted his research on cultivation issues. Cherin will have copies made of all the handouts for the Board.

Cherin asked Jeremia Pollard, Town Counsel, this question: In a zoning bylaw, is the Board able to ban any licenses if other types are allowed? If this is allowed, is a second vote in a ballot election required?

Mr Pollard responded: The Planning Board can ban outdoor cultivation with no ballot vote if we allow some type of cultivation. We are allowed to limit the number of licenses to one of each.

There was a discussion about what to present at the September Special Town Meeting. Kelly recommended presenting the information about all the licenses at Special Town Meeting in September and offering each license as a general bylaw, to be voted on one at a time. Krancer recommended skipping this step and allowing all licenses. Steve Cohen recommended that the Board hire a lawyer who is an expert in CCC regulations and recreational marijuana to guide our work.

**Next Meeting:** July 8, 2019 at 7:00 PM

**Meeting adjourned:** 10:03 pm

Respectfully submitted,  
Helen Krancer, Clerk