

# EGREMONT PLANNING BOARD

## Minutes September 4, 2019

**Call to Order:** 10:04 AM

**Present:** Eddie Regendahl, Helen Krancer, Nick Keene  
Citizens in attendance: Marj Wexler, Eileen Vining

Vice Chair Regendahl 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 Vice Chair now. There were no requests.

### **Discussion of Public Hearing Input into Proposed Accessory Dwelling Unit Bylaw**

Based on input received at the public hearing, Keene recommended discussing a) removing the date from §c.iii., b) including owner occupied in §c.v., and c) allowing creation of an ADU up to 800 square feet by right, not by special permit. This is the agreed upon revised language for §c.iii:

An existing free-standing accessory structure larger than 800 square feet that complies with §4.1.2.1. may be converted to an ADU with a Gross Floor Area of up to 800 square feet, provided that the remaining area of the structure shall not be used as living space and that all other regulations in §4.1.2.3.c. are met.

The Board also discussed Keene's recommendation of adding owner occupied to §c.v. and decided not to.

Because of Alina Hse's, and others', repeated recommendations to remove the need for a special permit to create an ADU at the public hearing, Krancer suggested that A) because a one-family may convert to a two-family by right, a one-family should be allowed to build an ADU in an existing structure by right because building the ADU in an existing structure will have the same impact as the conversion to a two-family and the footprint does not change. B) A two-family should be allowed to put an ADU in an existing structure because the footprint will not change although there will be a greater impact with more people. She also recommended: C) whether it is a one-family or two-family primary dwelling unit, building a new detached ADU should require a special permit because the impact is much greater on abutters who bought their homes expecting only the one or two families to be living next door.

At the public hearing, Fred Gordon said he wanted the bylaw to allow construction of a new ADU up to 800 sq ft with a 50 foot setback, and allow an ADU in existing accessory structures by right. In this meeting, Vining suggested increasing the setback for a new ADU to 50 feet. She also brought up the idea of allowing a new ADU to be built, by right, if it is built within a certain proximity to the primary dwelling unit as that proximity to the owners will serve to control adverse behavior and negative impacts. The Board was pleased to have these ideas brought up for discussion.

After much discussion of these proposals, the Board decided not to vote to change any setbacks or to allow an ADU to be built in an existing accessory structure by right. They decided to keep the current proposed ADU bylaw as is because in order to incorporate both by-right and special permit provisions, the bylaw would have to be removed from the current section of the Zoning Bylaw . §4.1.1.3.a. Uses and land structures which may be authorized by the Planning Board by special permit in accordance with provisions of this Bylaw+ and place it in an entirely different section as it's own separate bylaw. This could mean that, even if it passed at the Special Town Meeting, the Attorney General might not accept it because it is such a massive change from what is on the warrant.

The Board then discussed the requirement in §c.vi for two dedicated off-street parking spaces for the ADU. After listening to Don Pulfer explain at the public hearing that this is the only place in the Zoning Bylaw that specifies a specific number of parking spaces, and that this becomes an anomaly, the Board decided to change the language of §c.vi to this:

**EGREMONT PLANNING BOARD**  
**Minutes September 4, 2019**

Sufficient off-street parking spaces for the ADU must be provided.+

At the public hearing Don Pulfer suggested reversing the language in two new sections of §4.1.2.1.b, the Intensity Table, from the current %Accessory Dwelling Unit (with One Family PDU) and Accessory Dwelling Unit (with Two Family PDU) to put the One Family PDU and Two Family PDU first because it follows the existing pattern of the table. This was discussed and rejected because the setbacks refer to the Accessory Dwelling Unit, not to the PDU, and that reversing the order would be confusing.

Krancer moved to vote to accept the changes to the proposed ADU bylaw as noted; the motion was seconded by Keene; the vote was unanimous.

Regendahl volunteered to write the Report and Recommendation. He will send it to the Board before the next meeting when it will be discussed.

**Meeting adjourned:** 12:15 PM

**Next Meeting:** Monday, September 9, 2019, at 7:00 PM

Respectfully submitted,  
Helen Krancer, Clerk  
September 11, 2019