

EGREMONT PLANNING BOARD

Minutes September 24, 2019

Call to Order: 7:07 PM

Present: Greg Cherin, Jared Kelly, Eddie Regendahl, Helen Krancer, Nick Keene
Citizens in attendance: Mary McGurn, Marj Wexler, Eileen Vining, Olivia Sblendorio, Leo Sblendorio

Chairman Cherin 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 Chairman now. There were no requests.

Form A's: None. It was noted that the Board had not received the two additional copies from Mike Parsons, Kelly, Granger, Parsons, of the previously approved Form A.

Minutes: September 3, 2019 Accessory Dwelling Unit proposed bylaw Public Hearing minutes approved as written.

September 9, 2019 meeting minutes approved with typo correction.

Regendahl will resend previously unapproved minutes for approval.

Citizen's Time: Olivia and Leo Sblendorio are new to town and wanted to visit.

Proposed Accessory Dwelling Unit Bylaw:

Krancer pointed out that at the last meeting the Board made many changes to its version by incorporating parts of the Housing Committee's bylaw, and that the Housing Committee's bylaw had not undergone a public information session, nor been vetted at a Public Hearing as had the Planning Board's proposed bylaw.

In response to the approved motion for Article 1 at the September 17 Town Meeting that the Planning Board and Housing Committee meet and create a new, final Accessory Dwelling Unit bylaw to bring to Annual Town Meeting, Chair Cherin said the Board's goal should be to discuss and decide on each of the points Richard Allen made in his September 17, 2019, email about the differences between the two bylaws that was circulated in advance of the Town Meeting before the Board meets with the Housing Committee. The Board decided the following regarding Allen's points.

- 1) Keep the ADU by-right size maximum at 800 square feet; allow up to 1200 square feet by special permit. The Board's thinking is that 1200 square feet is a very large building and the purpose of the ADU bylaw is to preserve low cost housing.
- 2) Allowing an ADU in a Commercial Building: Keene recused himself from this discussion as he owns two commercial properties with dwelling units in them. The Housing Committee wants to allow an ADU in a commercial building with that building as the principal permitted structure. Vining reminded the Board that a major purpose of the bylaw is to help seniors age in place. Discussion: a) Because it is a commercial property, it would have to change its special permit. b) Vining pointed out that the purpose of zoning is to keep uses separate and that this idea mixes uses. c) Adding an ADU to a commercial building will increase usage, traffic and possibly noise that an abutter or abutters did not expect when buying their property. The Board's consensus: discuss this with the Housing Committee.
- 3) Why add the extra half acre of land to a two-family with an ADU. The Board's reasoning is that adding the ADU in effect makes the property a multi-family and this is a multi-family Intensity requirement. Board's consensus is that it makes sense to add the extra half acre requirement.
- 4) Differences in side and rear setbacks. The Board decided it likes its version as it better protects neighbors.
- 5) a) Planning Board thinks this is incorrect.
b) The Housing Committee makes the Selectboard the special permit granting authority. The Planning Board: Egremont's Selectboard does not deal with land use.

EGREMONT PLANNING BOARD

Minutes September 24, 2019

- 6) The Housing Committee recommends removing all ADU rental restrictions and treat rentals as a regulatory matter. The Planning Board decided this section is necessary and it should be left in the bylaw. The Board had previously discussed this at great length and decided some limitations are required and that a rental bylaw is a separate, complex issue.
- 7) The Housing Committee's version contains no parking requirements. They state, "The PB proposal requires 'sufficient' off-street parking, which also presents enforcement versus definitional ambiguities." Vining suggested that we should consider not allowing parking in the side setbacks. This needs to be discussed. The Board pointed out that we had previously specified two spaces, but, because it was pointed out at the Public Hearing that this would be the only place in the Zoning Bylaw specifying the number of spaces, we had changed the language.
- 8) The Housing Committee questioned the Board's definition of an ADU stating it does not have totally clear language. The word "independent" modifying cooking was questioned. The Board stated that independent cooking makes the ADU an independent dwelling unit. The Board agreed that the word "subordinate" modifying dwelling unit means smaller, less important.
- 9) The Board agreed that §c.iii needed to be modified. They agreed to change the language as follows: "a. up to 800 square feet by right, or up to 1200 square feet by special permit, provided. . ."

Mail:

- Berkshire Eagle bill for ADU Public Hearing notices: \$220.10
- Wolters Kluwer notice of Brobowski land law update. Charge of \$279 approved.
- Great Barrington Selectboard notice of public hearing on October 7, 79 Bridge Street Realty to modify the hotel.
- Great Barrington Planning Board notice of public hearing on September 26 to act on the Special Permit application to create a rear lot (a new building lot) at 85 Castle Hill Avenue.
- Most recent issue of Egremont News
- Most recent issue of Common Ground
- Sheffield Zoning Board of Appeals notice of decision on Administrative Appeal granted to Jeremiah Cronin appealing the decision of the Building Inspector to deny a building permit.
- Environmental Notification Form from the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs, Massachusetts Environmental Policy Act (MEPA) Office for Silverman project, 74 Jug End Road, Egremont.
- Memo from Town of Egremont Office Administrator that the Planning Board's Annual Report is due on October 21, 2019.

Additional Items:

- Regendahl will draft the Annual Report which covers July 1, 2018 . June 30, 2019 and send it to the Board by email before the next meeting.
- Regendahl reported on the BRPC meeting.
- Cherin will set up a meeting with the Housing Committee by email for a meeting on a Monday or Tuesday evening. Vining suggested that when we meet with the Housing Committee we redefine our jobs . the Planning Board's job is to write bylaw, the Housing Committee's job is to find out what people think.

Meeting adjourned: 9:24 PM

Next Meeting: October 7, 2019

EGREMONT PLANNING BOARD
Minutes September 24, 2019

Respectfully submitted,
Helen Krancer, Clerk
October 1, 2019