

Egremont Planning Board Minutes

September 24, 2020

Call to Order: 7:07 AM

Present via Zoom: Jared Kelly, Eddie Regendahl, Nick Keene, Matthew Bersani, Donna Gordon

Citizens in Attendance: Marj Wexler, Eileen Vining, Fred Gordon, Richard Allen, Mary McGurn, George McGurn, Don Pulfer, Joan Goodkind, Steve Cohen

It was announced that the meeting is video and audio recorded.

Agenda: This meeting will focus on the Planning Board's (PB) ADU proposed amendment to the Zoning Bylaw to be included on the Warrant at the Special Town Meeting on 10/13/2020. The objective is to reach consensus with the Citizen's Petition (CP) and present one version of the Bylaw at the Special Town Meeting. Citizen time held will be specific to the ADU Bylaw. All other agenda items will be tabled to the next regular PB meeting.

Chairperson Kelly (JK) notified the Board that he reached out to Richard Allen (RA), drafter of the CP, to discuss reaching consensus and uniting around one version of the Bylaw in hopes of getting passage. While RA agreed that it is wise to put forth one version, he needed to consult with the other petition signers before committing to withdrawing the CP petition from the Warrant. Steve Cohen, Town Moderator spoke about options to "pass over" this article.

In the interest of moving the conversation forward, with regards to differences, the PB offered to: 1) change the minimum acreage requirement from 2.5 to 2 acres for a two family structure that wants to add an AUD; 2) Drop the well setback provision from the amendment, 3) Remove the rental provision, (with a plan to put a motion to town to add it back if a simple majority votes for it). JK hopes, and expects that however the vote on the rental provision motion goes, we would have support from both the PB and CP to unite behind a unified version for the ADU Bylaw vote.

A discussion ensued regarding the rental provision in the draft Bylaw. A majority of the Board wants the provision to remain. No Board member was averse to a planned motion to put the provision to a town vote, but a majority of the Board wanted it pulled out by someone on the floor, rather than leaving it out of the PB version. Fred Gordon spoke to the delicate balance between protecting abutters and those who want to create ADU's. Knowing that the Bylaw needs a super majority to pass, he believes the majority of citizens will not build ADU's, and the Bylaw should favor protections for abutters. Don Pulfer agreed that a citizen can make an amendment to remove the rental provision.

Joan Goodkind asked for clarification as to the distinction between the proposed occupancy provision for an ADU and the current allowance for renting attached units

Egremont Planning Board Minutes

September 24, 2020

that don't require owner occupancy. The Board pointed out this provision is only for detached units, the rationale being it is a detached dwelling under a separate roof in a different location in your yard and places a greater burden on one's neighbor. The provision is there to protect neighbors.

RA argued for Bylaw consistency and believes a focus on this provision will jeopardize passage of the ADU Bylaw. Tactically, he believes if the issue of "rentals" does not come up, the ADU Bylaw will easily pass. He expressed his opinion that no one would notice if you pulled it out. NK agreed. ER believed it was easier to remove the provision, then put it back in later. He also referred back to the first PB hearing on this topic (2019) where citizens were worried about Air BnBs. DG expressed concern that citizens who attended the Public Hearing would notice the absence of the protection.

To move forward and agree on procedure, JK again polled the Board. The majority opted to keep the rental provision in the PB version. Whether the vote is up or down on the rental amendment, the Board agreed to move forward and support the ADU Bylaw.

There was discussion about who would put forth the motion on the rental provision. It was agreed that a party besides the PB would put forth the motion to strike out (or amend) the rental provision. Steve Cohen, Town Moderator joined the discussion and informed the PB and the CP of the procedure at the Special Town Meeting. He suggested a motion can be invited to strike a provision. The motion must also be presented in writing. A simple majority is needed for passage of the motion and a super majority is needed for the final ADU Bylaw vote.

R.A. had recommended to the Board technical suggestions regarding the wording in the purposed Bylaw. Each point was reviewed and edits were made to incorporate them into the final draft.

Next meeting: Wednesday, October, 7, 2020

Meeting Adjourned: 8:42 PM

Submitted by Donna B. Gordon, Clerk

September 29, 2020