

WARRANT FOR SPECIAL TOWN MEETING

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE COUNTY SS

TO: James Olmsted, Constable of the Town of Egremont,

Greetings:

In the name of the Commonwealth aforesaid, you are hereby required to notify and warn the inhabitants of the Town of Egremont qualified to vote in Town affairs, to meet at French Park, 21 Prospect Lake Road, Egremont, Mass., on Tuesday, October 13, 2020 at 5:00 PM, and then and there to act on the following articles:

ARTICLE 1: To see if the Town will vote to create a new Section 19 within the Town's General Bylaws as follows:

In accordance with M.G.L. c. 64G, § 3A, the Town of Egremont hereby adopts a 6% Local Room Occupancy Excise on the transfer of occupancy of a room or rooms in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel. Further, in accordance with M.G.L. c. 64G, § 3A and M.G.L. c. 64G, § 3D, the Town of Egremont hereby adopts a 3% Community Impact Fee on the total amount of rent upon each transfer of occupancy of a professionally-managed unit [830 CMR 64G.1.1(10)(a)] or of a short-term rental unit that is located within a two-family or three-family dwelling that includes the operator's primary residence [830 CMR 64G.1.1(10)(b)]. The purveyor of any property subject to such excise taxes shall pay the taxes imposed under this bylaw to the Commissioner at the same time and in the same manner as the sales tax due to the commonwealth, to take any other action relative thereto.

(Finance Committee approves, 4 for, 2 absent.)

ARTICLE 2: To see if the Town will vote to amend the Egremont Zoning Bylaw by making the following changes and additions to the Egremont Zoning Bylaws, or to take any other action relative thereto: (2/3)

1. To Section 2. DEFINITIONS, add the following:

ACCESSORY DWELLING UNIT (ADU): A detached dwelling unit on the same lot as a primary dwelling or principal building, and that contains at least one bathroom and facilities for cooking and sleeping.

GROSS FLOOR AREA OF AN ACCESSORY DWELLING UNIT: The sum of the floor areas in the unit, including finished basements, mezzanines and intermediate floor levels. Non-enclosed areas, whether covered by a roof or not, such as a balconies and porches, and utility structures attached to an Accessory Dwelling Unit, such as garages or carports, are exempt from the Gross Floor Area.

And add the following words in bold to:

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, **but not including an Accessory Dwelling Unit.**

2. To Section 4.1.1.2. Uses and Structures Permitted in the General District by Right, add the following subsection:

- h. Accessory Dwelling Unit not exceeding 800 square feet of Gross Floor Area on the same lot as a One- or Two-Family Dwelling, subject to the intensity regulations specified in §4.1.2.1.b. and the special requirements specified in §4.1.2.3.c.

3. To Section 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, add the following subsections:

- iv. Accessory Dwelling Unit exceeding 800 square feet of Gross Floor Area, but not to exceed 1200 square feet of Gross Floor Area, subject to the intensity regulations specified in §4.1.2.1.b. and the special requirements specified in §4.1.2.3.c.

- v. Accessory Dwelling Unit in a structure built after 10/13/2020 with side and rear setbacks of at least 25 feet and less than 50 feet, subject to all other intensity regulations specified in §4.1.2.1.b. and all special requirements specified in §4.1.2.3.c.

- vi. Accessory Dwelling Unit on the same lot as a permitted retail business or consumer service establishment, subject to the applicable intensity regulations specified in §4.1.2.1.b. and the special requirements specified in §4.1.2.3.c.

4. To Section 4.1.2.1.b. Table of Intensity Regulations, add the words and numbers shown in bold below:

Use	Minimum Lot Area	Minimum Frontage in Feet	Minimum Yard in Feet			Maximum Height in Feet ²
			Front ¹	Side	Rear	
One Family	1 Acre	150	40	25	25	35
Existing One Family Converted to Two Family, Provided There Is No ADU on the Lot	1 Acre	150	40	25	25	35
Accessory Dwelling Unit with One Family in a Structure Built Before 10/13/2020	1 Acre	150	40	25	25	35
Accessory Dwelling Unit with One Family in a Structure Built After 10/13/2020	1 Acre	150	40	50	50	35
Two Family	2 Acres	150	40	25	25	35

Accessory Dwelling Unit with Two Family	2 Acres	150	40	50	50	35
Accessory Dwelling Unit with Retail Business or Consumer Service Establishment with No Dwelling Unit	1 Acre	150	40	50	50	35
Accessory Dwelling Unit with Retail Business or Consumer Service Establishment with One Dwelling Unit	2 Acres	150	40	50	50	35
Multi-Family	2.5 Acre ³	150	75	50	50	35
All Other Principal Uses ⁴	1 Acre	150	40	25	25	35
Private Garages, Sheds and Such Other Accessory Building	-	-	40	25	25	35

1. Measured from the right-of-way line where a plan of the way is on file with the Registry of Deeds, or in the absence of such plan, the front set-back shall be a minimum of sixty-five (65) feet from the center line of the travel way.
2. The height restrictions do not apply to agricultural buildings or structures, spires, chimneys, antennae or other appurtenances usually placed above roof level and not intended for human occupancy.
3. For the first three (3) dwelling units plus one half (1/2) acre of usable land for each additional dwelling unit.
4. Except as provided in §4.1.2.3.b.ii

5. To Section 4.1.2.2.a. of Section 4.1.2 General Intensity Regulations for the General District, add the following words in bold:

- a. No more than one (1) dwelling or principal building shall be located on a lot, **except as provided for in Sections 4.1.1.2.h., 4.1.1.3.a.iv., 4.1.1.3.a.v., and 4.1.1.3.a.vi.**

6. To Section 4.1.2.3 Special Intensity Regulations for the General District, add the following subsection:

- c. Accessory Dwelling Unit special requirements
 - i. Only one ADU may be located on a lot.
 - ii. ADUs are prohibited on lots with Multi-Family dwellings.
 - iii. An accessory structure larger than 800 square feet that complies with the intensity regulations specified in §4.1.2.1.b. may be converted to an ADU with a Gross Floor Area of up to 800 square feet by right, or converted to an ADU with a Gross Floor Area between 800 and 1200 square feet by Special Permit, 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.

- iv. The ADU must be in the same ownership as all other dwelling units on the lot.
- v. For a lot with one dwelling unit and an ADU, no more than one unit may be rented at a time. For a lot with two dwelling units and an ADU, no more than two (of the three) units may be rented at a time.
- vi. Mobile homes, campers, trailers, recreational vehicles and other wheeled structures shall not qualify as an ADU.
 - vii. The use of a room or rooms in an ADU may be allowed by a resident occupant for practice of his or her occupation or craft, provided that any external evidence of any business is not detrimental to the rural type environment of the area.
 - viii. An ADU may be located on the same lot as a permitted retail business or consumer service establishment, provided that the lot does not also contain a Two-Family or Multi-Family Dwelling.

(Finance Committee makes no recommendation.)

ARTICLE 3: To see if the Town will vote to amend the Egremont Zoning Bylaw by making the following changes to the Egremont Zoning Bylaws, or to take any other action relative thereto. (2/3)(Submitted by Citizen's Petition for the Annual Town Meeting and then postponed.)

1. Add the following to Section 2 **DEFINITIONS**:

ACCESSORY DWELLING UNIT: A dwelling unit, on the same lot as a principal permitted structure, that (a) contains at least one bathroom and facilities for cooking and sleeping, (b) is in the same ownership as the lot on which it is located and (c) is not a mobile home, camper, trailer, recreational vehicle or other wheeled structure. An Accessory Dwelling Unit may be part of a structure.

2. To the definition of **ACCESSORY USE OR STRUCTURE**, add the language in bold below so that the entire definition reads as follows:

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, but not including an Accessory Dwelling Unit.

3. Add the following paragraph h to Section 4.1.1.2 Uses and Structures Permitted in the **General District by Right**:

h. Accessory Dwelling Unit not exceeding a size of 800 square feet.

4. Add the following paragraph d to Section 4.1.1.3 **Uses and Structures Permitted in the General District by Special Permit:**

d. Accessory Dwelling Unit exceeding a size of 800 square feet but not exceeding a size of 1200 square feet, or with side and rear setbacks of at least 25 feet but less than 50 feet, authorized by the Planning Board by special permit in accordance with the provisions of Section 6.2 of this Bylaw.

5. In order to apply the same intensity regulations that are applicable to one family dwellings to Accessory Dwelling Units in existing structures, and to apply larger setback regulations to Accessory Dwelling Units in newly built structures, add the following lines as the third and fourth lines in the table in Section 4.1.2.1 **Table of Intensity Regulation:**

Accessory Dwelling Unit in Existing Structure	1 Acre	150	40	25	25	35
Accessory Dwelling Unit in Structure Built after 5/5/20	1 acre	150	40	50	50	35

6. To paragraph a of Section 4.1.2.2. **General Intensity Regulations for the General District**, add the language in bold below so that the entire paragraph reads as follows:

No more than one (1) dwelling or principal building shall be located on a lot, **except for one (1) Accessory Dwelling Unit.**

(Finance Committee makes no recommendation.)

ARTICLE 4: To see if the Town will vote to raise and appropriate, and/or transfer from available funds, the sum of \$8,800 for increased costs of operating the Transfer Station, or to take any other action relative thereto.

(Finance Committee approved, 6 for , 0 opposed.)

ARTICLE 5: To see if the Town will vote to raise and appropriate, and/or transfer from available funds, the sum of \$2,500, to pay its obligations for emergency/backup operations for the Town's broadband network, or to take any other action relative thereto.

(Finance Committee approves, 5 for, 1 absent.)

ARTICLE 6: To see if the Town will vote to raise and appropriate, and/or transfer from available funds, the sum of \$7,000, or any other amount, for planning and engineering of a new Buildings and Grounds garage, or to take any other action relative thereto.

(Finance Committee does not recommend, 5 against, 1 absent.)

ARTICLE 7: To see if the Town will vote to raise and appropriate, and/or transfer from available funds, the sum of \$8,250, or any other amount, for removal of dangerous trees near town buildings and the French Park playground, or to take any other action relative thereto.

(Finance Committee approved, 4 for, 2 absent.)

ARTICLE 8: To see if the Town will vote to raise and appropriate, and/or transfer from available funds, the sum of \$7,500, or any other amount, for further funding for public transportation for eligible individuals, or to take any other action relative thereto.

(Finance Committee reserves recommendation until the Special Town Meeting.)

ARTICLE 9: To see if the Town will vote to raise and appropriate, and or transfer from available funds, the sum of \$5,760, or any other amount, to pay for a COVID-19 Compliance Officer, or to take any other action relative thereto.

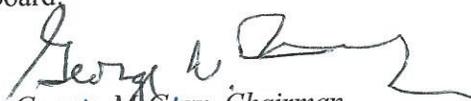
(Finance Committee reserves recommendation until the Special Town Meeting, pending amendment of the article.)

And you are requested to warn said inhabitants of said meeting by posting copies of this Warrant in four or more public places in said Town, fourteen days at least, before the time of holding same.

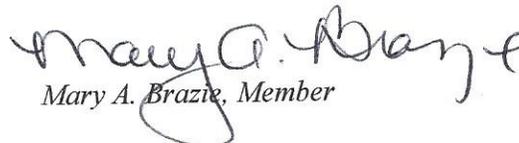
Hereof, fail not, and make due return of this Warrant, with your doings thereon at or before the time of holding said meeting.

Given under our hands this 28th day of September, Two Thousand and Twenty.

Selectboard:


George McGurn, Chairman


Lucinda Vermeulen, Vice-Chair


Mary A. Brazie, Member

DATE: 9.29.2020

A TRUE COPY ATTEST:

James Olmsted,

Constable, Town of Egremont

DATE: 