

2023 Annual Town Meeting Warrant

Monday May 1, 2023 (and Thursday May 4, 2023 if needed)

6:00 PM at Monument Mountain Regional High School



SELECTBOARD

Stephen Bannon, Chair
Leigh Davis
Edward Abrahams
Garfield Reed
Eric Gabriel

FINANCE COMMITTEE

Philip Orenstein, Chair
Anne O'Dwyer
Richard Geiler
Milena Cerna
Madonna Meagher

TOWN OF GREAT BARRINGTON
2023 ANNUAL TOWN MEETING, MAY 1, 2023
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2023 WARRANT
ANNUAL TOWN ELECTION
ANNUAL TOWN MEETING

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, SS

To Paul E. Storti, Chief of Police of the Town of Great Barrington, in said Berkshire County,

GREETINGS: In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the Inhabitants of said town to meet at the Great Barrington Fire Station, 37 State Road in the Town of Great Barrington in Precinct A for Precincts A, C, and D, and at the Housatonic Community Center Building in the Village of Housatonic, in Precinct B, for Precinct B on Tuesday, May 9, 2023 at 8:00 A.M. until 8:00 P.M. for the following purposes, viz.; to elect:

- MODERATOR, ONE FOR ONE YEAR
- SELECTBOARD, ONE FOR THREE YEARS
- BOARD OF HEALTH, ONE FOR THREE YEARS
- FINANCE COMMITTEE, ONE FOR THREE YEARS
- FINANCE COMMITTEE, ONE FOR ONE YEAR
- HOUSING AUTHORITY, ONE FOR FIVE YEARS
- LIBRARY TRUSTEES, TWO FOR THREE YEARS
- PLANNING BOARD, TWO FOR THREE YEARS
- ZONING BOARD OF APPEALS, TWO FOR FIVE YEARS

BALLOT QUESTION:

Shall the Town of Great Barrington be allowed to exempt from the provisions of Proposition Two and One-half, so called, the amounts required to pay for the bond issued in order to pay the cost of Town buildings and grounds improvements capital projects including but not limited to projects for the Courthouse, Cemetery building and mausoleum, Highway building, Transfer Station, Great Barrington and Housatonic Fire Stations, Mason and Ramsdell Libraries, and Police Station, and related architectural, engineering and planning services; and for the payment of all other costs incidental and related thereto?

The above named officers and ballot questions will be voted for on official ballots prepared by the Town Clerk.

You are also required to notify and warn the Inhabitants of said town, qualified to vote in town affairs, to meet at the Monument Mountain High School in Great Barrington on Monday, May 1, 2023 (and May 4, 2023 if needed) at 6:00 P.M., then and there to act on the following:

ARTICLE 1: AUTHORIZE REVOLVING FUND LIMITS

To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2024 beginning on July 1, 2023 for the revolving funds as established in the Town's by-laws for certain departments, boards, committees, commissions, agencies or officers in accordance with M.G.L. Chapter 44, Section 53E ½; or take any other action relative thereto.

Revolving Fund	Department, Board, Committee, Agency or Officer	FY2024 Spending Limit
Plumbing Inspections	Building Department	\$20,000
Wiring Inspections	Building Department	\$60,000
Gas Inspections	Building Department	\$15,000
Cemetery	Public Works Department	\$ 5,000
COA Transportation	Council on Aging	\$40,000

Recommended by the Finance Committee and Selectboard

ARTICLE 2: ELECTED OFFICIALS' SALARIES

To see if the Town will vote to fix the salaries of all elected officials for the period of July 1, 2023 to June 30, 2024 as indicated below:

Elected Officials' Salaries:

Selectboard: \$24,500 (\$4,900 per Selectboard member)

Recommended by the Finance Committee and Selectboard

ARTICLE 3: ARTICLE 4: FY24 OPERATING BUDGET

To see if the Town will vote to raise and appropriate or transfer from available funds such sums of money necessary for the operation of the several departments in the Town for the ensuing year for the purposes outlined below; or to take any other action relative thereto.

General Government

Town Manager/Selectboard	\$475,433
Finance Committee/Reserve Fund	100,300
Financial Coordinator/Town Accountant	191,778
Technology	310,760
Assessors' Office	200,623
Treasurer/Collector	274,577
Human Resources	42,543
Town Clerk/Elections	149,612
Conservation Commission	49,981
Planning Board	5,450
Zoning Board of Appeals	1,250
Office of Planning/Community Development	167,260

Public Safety

Police Department	\$1,986,174
Fire Department	838,688
Communications/Emergency Management	24,461
Building Inspector	190,636
Animal Control	11,850

Department of Public Works

Buildings and Grounds	\$897,136
Highway	1,963,254

Cultural/Recreation/Human Services

Health Department	\$140,229
Human Services	25,000
Council on Aging	177,997
Veterans' Affairs	137,875
Libraries	625,666
Parks & Recreation	132,500
Various Boards/Commissions	20,000

Miscellaneous

Insurance	\$1,767,153
Debt Service	2,495,750
Retirement	1,157,483
Celebrations & Events	16,500

Total General Fund \$14,577,919

Recommended by the Finance Committee and Selectboard

ARTICLE 4: CAPITAL SPENDING AUTHORIZATION

To see if the Town will vote to appropriate \$8,159,100 or any other sum of money, in the following approximate amounts and for the following purposes, and for the payment of all other costs incidental and related thereto, and to determine whether this appropriation shall be raised by taxation, transferred from available funds, and/or borrowing or otherwise; or to take any other action relative thereto.

Capital Items

Police Tasers	\$78,000
Police Firearms Replacement	29,000
Police Cruiser	65,000
Fire UTV with Enclosed Trailer	44,000
DPW Ride-on Leaf Blower	18,000
DPW Landscaping Equipment	20,000
DPW Trucks (3)	240,000
DPW Loader with Attachments	293,200
DPW Excavator	91,200
Buildings and Grounds Improvements	1,325,000
Street and Bridge Improvements	5,235,700
Parks Improvements	370,000
Technology Broadband Project	350,000
Total	\$8,159,100

Recommended by the Finance Committee and Selectboard

ARTICLE 5: AUTHORIZE FUNDING OF COMMUNITY PROGRAMS

To see if the Town will vote to appropriate from Free Cash a sum of money representing amounts received under host community agreements with marijuana establishments to fund various community programs, under an application and approval process to be administered by the Town Manager; or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 6: FY24 WASTEWATER TREATMENT PLANT BUDGET

To see if the Town will vote to appropriate from the receipts of the Wastewater Treatment Plant such sums of money necessary for the operation of the Sewer Division for the ensuing year for the purposes outlined below; or to take any other action relative thereto.

Wastewater Treatment Plant

Salaries	\$534,384
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Expenses	877,640
Insurance/Benefits	336,141
Miscellaneous/Transfers	283,677
Debt Service	792,869
Total Wastewater Treatment Plant	\$2,824,711

Recommended by the Finance Committee and Selectboard

ARTICLE 7: CAPITAL AUTHORIZATION FOR WASTEWATER ENTERPRISE FUND

To see if the Town will vote to appropriate \$614,400, or any other sum of money, for Wastewater capital improvements, in the following approximate amounts and for the following purposes, and for the payment of all other costs incidental and related thereto, and to determine whether this appropriation shall be raised by taxation, transferred from available funds, and/or borrowing or otherwise; or to take any other action relative thereto.

<u>Wastewater Capital Items</u>	
Mower	\$14,400
Engineering Services	200,000
Collection System Improvements	400,000
Total	\$614,400

Recommended by the Finance Committee and Selectboard

ARTICLE 8: AUTHORIZE RE-PURPOSING OF WASTEWATER ENTERPRISE FUND BORROWING APPROPRIATION

To see if the Town will vote to appropriate the sum of \$300,000, the unexpended portion of the \$400,000 authorized to be borrowed under Article 8 of the warrant for the June 22, 2020 Annual Town Meeting for sewer line replacements at Main and Maple Streets and for which no further liability remains, to pay the cost of Wastewater departmental equipment and wastewater system improvement and repair projects, including any planning, engineering, and other costs incidental and related thereto; or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 9: FY24 REGIONAL SCHOOL ASSESSMENT

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Nineteen Million, Eight Hundred Eighty-nine Thousand, Eight Hundred and Seventy-Four Dollars (\$19,889,874) for the operating assessment, and Four Hundred Forty-Three Thousand, Eight Hundred and Fifty-Nine Dollars (\$443,859) for the capital assessment, for a total assessment of Twenty Million, Three Hundred Thirty-Three Thousand, Seven Hundred and Thirty-Three Dollars (\$20,333,733) of the Berkshire Hills Regional School District; or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 10: FY24 OUT OF DISTRICT VOCATIONAL TUITION AND TRANSPORTATION

To see if the Town will vote to raise and appropriate \$140,000 to fund the Fiscal Year 2024 tuition and transportation for out of district vocational education, in accordance with Chapter 74 of the Massachusetts General Laws; or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 11: AUTHORIZE USE OF FREE CASH TO REDUCE THE TAX LEVY

To see if the Town will vote to authorize the use of Free Cash to reduce the tax levy for Fiscal Year 2024; or to take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 12: AUTHORIZATION TO PAY PRIOR FISCAL YEARS' INVOICES

To see if the Town will vote to authorize the payment of prior fiscal year invoices from the FY23 insurance budget in the amounts set forth below; or take any other action relative thereto.

Insurance:	\$87.55 to Berkshire Medical Center	Account Number:	01945-57500
	\$195.00 to Custom Drug Testing, Inc.	Account Number:	01945-57500

Recommended by the Finance Committee and Selectboard

ARTICLE 13: AUTHORIZE FUNDING TO THE STABILIZATION ACCOUNT

To see if the Town will vote to appropriate from Free Cash a sum of money to the Stabilization Fund, or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 14: AUTHORIZE FUNDING TO THE CAPITAL STABILIZATION ACCOUNT

To see if the Town will vote to appropriate from Free Cash a sum of money to the Capital Stabilization Fund, or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 15: AUTHORIZE ESTABLISHMENT OF OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST FUND

To see if the Town will vote to accept to accept section 20 of General Laws Chapter 32B to provide for the establishment of an "Other Post-Employment Benefits Liability Trust Fund;" and establish an Other Post-Employment Benefits Liability Trust Fund (OPEB Fund) to account for appropriations made to cover current and future liabilities of the Town for group health insurance benefits for retirees and their dependents; or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 16: AUTHORIZE RE-PURPOSE OF PENSION RESERVE TRUST FUND

To see if the Town will vote to transfer the balance of the monies in the Pension Reserve Trust Fund established pursuant to the vote under Article 32 of the warrant for the 1986 Annual Town Meeting into the OPEB Fund; or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 17: AUTHORIZE TRANSFER FUNDS FROM TOWN'S SALE OF CEMETERY LOTS FUND

To see if the Town will vote to appropriate and transfer the sum of \$30,000 from the Sale of Cemetery Lots Fund to pay for a comprehensive cemetery study and for general maintenance expenses for the Town's cemeteries; or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 18: AUTHORIZE FUNDING TO SOUTHERN BERKSHIRE AMBULANCE

To see if the Town will vote to appropriate \$151,294 from Free Cash to support the operation of the Southern Berkshire Ambulance service (Southern Berkshire Volunteer Ambulance Squad, Inc.); or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 19: AUTHORIZE FUNDING TO THE UNEMPLOYMENT TRUST FUND

To see if the Town will vote to appropriate \$20,000 from Free Cash to the Unemployment Trust Fund, or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 20: AUTHORIZE FUNDING TO THE AFFORDABLE HOUSING TRUST FUND

To see if the Town will vote to appropriate \$175,000 from Free Cash to the Affordable Housing Trust Fund, or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 21: AUTHORIZE FUNDING FOR TOWN WEBSITE UPGRADE

To see if the Town will vote to appropriate \$30,600 from Free Cash for upgrades to the Town's website, including improvements to streamline online services, or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 22: AUTHORIZE FUNDING FOR LEGAL FEES ASSOCIATED WITH HOST COMMUNITY AGREEMENT RENEWALS

To see if the Town will vote to appropriate \$15,000 from Free Cash to pay legal fees associated with upcoming renewals of Host Community Agreements in accordance with Cannabis Control Commission guidelines, or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 23: RESCINDING OF OLD BORROWING AUTHORIZATIONS

To see if the Town will vote to rescind the following amounts that have been authorized to be borrowed by vote of Town Meeting, but which are no longer needed for the purposes for which they were initially approved, or to take any other action relative thereto:

<u>Unused Amount</u>	<u>Date of Approval</u>	<u>Warrant Article</u>	<u>Original Purpose</u>
\$45,000	05/09/2016	4	Fire Department Equipment (Air Packs)
11,300	05/09/2016	4	Police Computer (Hardware)
24,000	05/09/2016	4	Police Phone System
45,600	05/09/2016	4	Police Cruisers
45,000	05/09/2016	4	Pickup Truck
2,500	05/09/2016	4	Voting Machines
9,000	06/22/2020	6	(2) Police Cruisers
2,100	06/22/2020	6	Jaws of Life
1,000	06/22/2020	6	4600 Dump Truck w/Plow and Sander
900	06/22/2020	6	Roadside Mower
3,700	06/22/2020	6	(2) Mowers
250	06/22/2020	6	1-Ton Roller
13,400	06/22/2020	8	Sewer Department Service Vehicle

ARTICLE 24: AUTHORIZE CLOSING OF TOWN OFFICES ON SATURDAY, PER MASSACHUSETTS GENERAL LAWS CHAPTER 41 SECTION 110A

To see if the Town will vote, pursuant to Chapter 41, Section 110A of the Massachusetts General Laws, to authorize the closing of any public office in the Town on any or all Saturdays as may be determined from time to time; or to act in any other manner in relation thereto.

Recommended by the Selectboard

ARTICLE 25: COMMUNITY PRESERVATION FUND RESERVES & APPROPRIATIONS

To see if the Town will vote to appropriate, or reserve for future appropriation, from the Community Preservation Fund, the following amounts recommended by the Community Preservation Committee for FY24, with each item considered a separate appropriation; or to take any other action relative thereto.

Reserves:

From FY24 revenues for Historic resources reserve	\$55,000
From FY24 revenues for community housing reserve	\$55,000
From FY24 revenues for open space/recreation reserve	\$0

Appropriations:

From FY24 revenues for debt service on Memorial Field project, and costs related thereto	\$62,000
From FY24 revenues for administrative expenses	\$15,000
Balance of FY24 revenues for FY24 budgeted reserve	\$363,000

Recommended by the Community Preservation Committee

ARTICLE 26: COMMUNITY PRESERVATION PROJECTS

To see if the Town will vote to appropriate from the Community Preservation Fund for FY24 the following amounts recommended by the Community Preservation Committee with each item to be considered a separate appropriation; or to take any other action relative thereto.

		Source of Appropriation	
Project	Total Appropriation	FY24 Revenues	Fund Balance
<i>AFFORDABLE HOUSING</i>			
1 Town: Affordable Housing Trust Fund	\$265,000	\$55,000	\$210,000
2 Construct, Inc.: Housing feasibility	\$150,000		\$150,000
3 Alander Group, housing at 322 Main Street	<u>\$250,000</u>		\$250,000
Subtotal, Affordable Housing	\$665,000		
<i>HISTORIC RESOURCES</i>			
4 Town, Brown mausoleum preservation	\$20,000	\$20,000	
5 First Congregational Church, restoration of Manse exterior	\$225,000	\$225,000	
6 Alander Group, for historic preservation of 322 Main Street	\$150,000		\$150,000
7 BAB Capital 77 LLC, for preservation of The Cove, phase 1	<u>\$50,000</u>	\$50,000	
Subtotal, Historic Resources	\$445,000		
<i>OPEN SPACE & RECREATION</i>			
8 Conservation Commission for the McAllister Wildlife Refuge preservation project	\$20,000		\$20,000
9 Berkshire Natural Resources Council, for Three Mile Hill Trail improvements	<u>\$40,000</u>		\$40,000
Subtotal, Open Space & Recreation	\$60,000		
TOTAL	\$1,170,000		

Recommended by the Community Preservation Committee

ARTICLE 27: OPEN SPACE LAND ACQUISITION

To see if the Town will vote to acquire, by donation, purchase, eminent domain, or other legal means a parcel of land containing approximately 36,000 square feet on and easterly of Bentley Avenue, Great Barrington and owned by the Community Development Corporation of South Berkshire, Inc., for open space purposes, under the jurisdiction of the Parks Commissioners pursuant to M.G.L. Chapter 45, section 3 or otherwise under the jurisdiction of the Town;

said land being shown as “Parcel A” on Plat P-198 recorded at the Southern Berkshire Registry of Deeds on December 22, 2011, and a copy of which is on file with the Town Clerk;; to determine whether to appropriate a sum of money for such acquisition; and to authorize the Parks Commissioners and the Selectboard to take all actions and execute all documents necessary in connection therewith; or to take any other action relative thereto.

ARTICLE 28: ACQUISITION OF LAND AND/OR EASEMENTS ON LAKE MANSFIELD ROAD

To see if the Town will vote to authorize the Selectboard to acquire certain parcels of land and certain permanent easements and/or temporary construction easements through all legal means including donation, purchase, or eminent domain, in order to implement improvements along Lake Mansfield Road, said land areas being shown on a set of six draft plans which are on file with the Town Clerk; to appropriate a sum of money for such acquisition; and to authorize the Selectboard to take all actions and execute all documents necessary in connection therewith; or to take any other action relative thereto.

ARTICLE 29: AMEND TOWN BYLAW FOR DRIVEWAYS

To see if the Town will vote to amend Chapter 153 of the Town Code, section 153-14.C, as set forth in this article, or to take any action relative thereto.

Proposed deletions of existing text are ~~struck through~~. Proposed insertions are underlined.

No more than two driveways shall normally be allowed for any property unless there is a clear necessity for more. Leasing of a portion of the property does not affect this requirement. If a number of establishments will be constructed on one parcel, a service road may be required, to connect with allowable exit and entrance.

A third driveway may be permitted if it will result in a clear benefit to the Town. Such benefit shall be identified as part of a written finding in granting the permit and may include, but not be limited to, additional housing, increased public safety or amenity, reduced public road maintenance, and/or job creation.

ARTICLE 30: ZONING - DEFINITIONS

To see if the Town will vote to amend Section 11.0 of the Zoning Bylaw, as set forth in this article, and to make related scrivener's corresponding changes of terminology in those portions of the Zoning Bylaw where the defined terms being amended are used, or to take any other action relative thereto.

Purpose of the amendments: Because the term “family” means a group of related people, the term can exclude the wide variety of household living arrangements that exist among people not related by blood, marriage or adoption. These amendments substitute the word “unit” in place of the term “family” in zoning definitions such as “dwelling, single family.” Using the term unit instead of family will ensure our zoning does not exclude non-nuclear families, unmarried couples, group homes, and people who choose to live together in group housekeeping arrangements.

Proposed deletions of existing text are ~~struck through~~. Proposed insertions are underlined.

ACCESSORY DWELLING UNIT: a subordinate dwelling unit on the same lot as a primary single ~~residential family unit dwelling~~ or two-family ~~unit dwelling~~ residential use, whether in an accessory building or within the same building as the primary dwelling, with provisions for independent cooking, living, sanitation and sleeping. A Movable Tiny House (MTH) connected to electricity, water, and sewer or septic that has its chassis, wheels, and hitch concealed shall be considered an accessory dwelling unit.

DWELLING, ~~MULTIFAMILY~~ MULTI-UNIT: A residential building containing three or more dwelling units designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, SINGLE ~~FAMILY~~ UNIT: An individual detached residential dwelling unit, other than a mobile home, designed for and occupied by one family only.

DWELLING, TWO-~~FAMILY~~ UNIT: A detached residential building containing two dwelling units, ~~designed for occupancy by not more than two families.~~

DWELLING UNIT: ~~One or more rooms constituting a separate, independent housekeeping establishment with cooking, living, sanitary and sleeping facilities for the use of one family. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.~~

FAMILY: ~~One or more individuals related by blood, marriage or adoption, or not more than five individuals who are not so related, living together as a single housekeeping unit.~~

LIVE/WORK UNITS: Space used by artists, craftspeople or persons engaged in creative services for the following two purposes: making items and/or performing services and residing on the premises. Such residency shall be limited to one family household per unit.

MOBILE HOME: A detached ~~single-family~~ dwelling unit with substantially all of the following characteristics:

- Mobile homes must meet American Standard Association Code Provision A-119-1.
- Mobile homes must contain at least 500 square feet of living area.
- All occupied mobile homes must be installed in conformance with the Massachusetts Building Code and any special requirements as prescribed in an issued special permit.
- Designed for long-term occupancy by a single household and containing sleeping accommodations, flush toilet, a tub or shower, bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
- Designed to be transported after fabrication on its own wheels or on flat bed or other trailers or detachable wheels.
- Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connections to utilities and the like.

PLANNED UNIT RESIDENTIAL DEVELOPMENT: Any ~~multifamily~~ multi-unit development consisting of 10 or more dwelling units on a single lot or on separate lots within the same development, whether for rental or for sale, either as condominiums or under cooperative ownership.

ARTICLE 31: ZONING – PERFORMANCE STANDARDS

To see if the Town will vote to amend Section 6.4, Performance Standards, of the Zoning Bylaw, as set forth in this article, or to take any other action relative thereto.

Purpose of the amendments: This proposal is to amend Section 6.4, Performance Standards, in order to codify certain criteria by which all land uses must abide, rather than leaving these criteria to the discretion of a permit granting authority. An example is exterior lighting, which is frequently a concern of neighbors and of permitting boards, but for which currently there are only generalized regulations.

Proposed deletions of existing text are ~~struck through~~. Proposed insertions are underlined.

6.4.1 General. Hereafter, no land, building or structure in any district shall be used in a manner that creates any dangerous, injurious, noxious or otherwise objectionable fire, explosion or other hazard; noise or vibration, smoke, dust, dirt or other form of air pollution; electrical or other disturbance; glare or any other dangerous or objectionable substance, condition or element in any amount that adversely affects the surrounding area or premises. The determination of the existence of any dangerous or objectionable elements shall be made at or beyond the property lines of the use creating such elements, wherever the effect is greatest. Any use already established on the effective

date of this Bylaw shall not be altered or modified to conflict with, or further conflict with, these performance standards.

6.4.2 Deposited Materials. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces. Erosion control measures such as covering, planting, paving or other means to eliminate wind and water erosion shall be utilized to stabilize bare earth and/or stockpiled materials at all times.

6.4.3 Fire Hazard; Pests. All materials or wastes which constitute a fire hazard or which may be edible by or attractive to rodents or insects shall be stored outdoors only in closed containers.

6.4.4 Discharges. No discharge at any point into any public sewer, private sewage disposal system or stream, lake or pond or into the ground of any material of such nature or temperature as may contaminate any water supply or cause the emission of dangerous or offensive elements shall be permitted, except in accordance with standards approved by the Massachusetts Department of Public Health and the Board of Health of the Town of Great Barrington.

6.4.5 Site Design. All site development shall meet the following objectives and shall be reviewed at staff level for compliance. Any deviation from these criteria shall require approval by the Planning Board through the Site Plan Review process

1. Existing grade should be changed by no more than six feet, and resulting in a balance on site between cut and fill, except for basement and cellar excavations.
2. Site circulation. Site circulation should have clarity from the driver's perspective, shall be designed to minimize glare from headlights, and shall be designed to promote safe pedestrian access.
3. Pedestrian access. Pedestrian access should be provided among all facilities on the site, including parking, between them and the street and between them and adjacent premises developed for uses open to the public to ensure accessibility and pedestrian and vehicular safety, both on the site and accessing and exiting the site.
4. There shall be no contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances in quantities greater than those normally associated with household use.
5. Drainage controls shall be specifically designed for the site based on the project's and site's characteristics, and such controls shall be detailed on application documents.
6. Parking, storage, or other outdoor service areas viewed from public ways and abutting properties residentially used or zoned shall be screened.
7. All lighting shall comply with Subsection 6.4.6 of this Bylaw.
8. All projects shall comply with Sections 6.2 and 6.3 of this Bylaw. The removal of trees of 6" caliper or larger is discouraged.

6.4.6 Lighting. It is the intent of this Section to establish lighting standards that result in exterior lighting systems that are designed, constructed, and installed to control glare and light trespass, to minimize obtrusive light, to conserve energy and resources while maintaining safety, visibility, security of individuals and property, and curtailing the degradation of the nighttime visual environment.

The following standards shall apply to all exterior light fixtures, whether new or replacement, except for temporary lights.

1. All lights shall have full horizontal shielding so that light shines only downward.
2. Any LED lights shall have a color temperature of 3,000 Kelvin or less.
3. No light shall remain permanently illuminated between the overnight hours of 11:00 PM to 5:00 AM unless the light can be dimmed to 50 percent or less luminance, except for lights at emergency facilities. Motion sensors and photo cells may be utilized to turn on lights or to increase lighting to full luminance.
4. The bottom of the light source on a pole light shall be no higher than 15 feet above finish grade unless specified otherwise in this bylaw.
5. Light fixtures shall be located and/or shielded so that illumination onto any adjacent property is no greater than 0.1 footcandles.

6.4.7 Special Permit. The Planning Board may, by special permit pursuant to Section 10.4, authorize a deviation from any requirement set forth in this Section 6.4. In instances where an application is pending before a different Special Permit Granting Authority, that body may, in accordance with a finding by the Planning Board, authorize the deviation from the requirements of Section 6.4.

ARTICLE 32: ZONING – TABLE OF USE REGULATIONS

To see if the Town will vote to amend Section 3.1.4, Table of Use Regulations, of the Zoning Bylaw, as set forth in this article, or to take any other action relative thereto.

Purpose of the amendments: This proposed amendment is intended to regulate three-unit residential uses in the same manner as two-unit residential uses; in other words, three-unit structures would be allowed by right in all zones, rather than by special permit in residential zones and by right in business zones. It would thus classify as multi-unit residential uses those uses with four or more units, and those would be allowed as per A (3) of the Table of Use Regulations.

Proposed deletions of existing text are ~~struck through~~. Proposed insertions are underlined.

Permitted Use			ZONING DISTRICT ¹															ADDITIONAL APPLICABLE REGULATIONS
			R1A	R1B	R2	R3	R4	B	HVC	B1	B2	B2A	B2X	B3	MXD	I	I2	
A.	Residential uses																	
	(1)	Dwelling, Single family <u>unit</u>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	SB	SB	
	(2)	Dwelling, Two family <u>and three-unit</u>	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	See also 8.1 , 8.7 .
	(3)	Dwelling, multi-unit family																
		3 4 to 8 units	SB	SB	SB	SB	N	Y	SB	SB	Y	SB	Y	Y	Y	N	SB	See also 8.3
		9 units or more	N	N	N	SB	N	SB	SB	N	SB	SB	SB	Y	SB	N	SB	See also 8.3

² NOTE: Dimensional and lot size requirements and other conditions as set forth in 8.1.1 and 8.1.4 shall apply even where the use is permitted by right.

ARTICLE 33: ZONING – RESIDENTIAL REGULATIONS

To see if the Town will vote to amend Sections 8.1, 8.2, and 8.3 of the Zoning Bylaw, as set forth in this article, or to take any other action relative thereto.

Purpose of the amendments: This proposal is intended to amend Sections 8.1 and 8.3 of the Bylaw to reflect that two-unit and three-unit residential uses are now regulated similarly. This will also remove the site plan review requirement for accessory dwelling units, and for two- and three-unit residential uses. Instead the design, performance, and neighborhood impact of these uses will be required to comply with clear criteria set forth in the Bylaw at Section 6.4.

Proposed deletions of existing text are ~~struck through~~. Proposed insertions are underlined.

8.1 TWO- AND THREE-UNIT FAMILY RESIDENTIAL USES OF A SINGLE LOT

8.1.1 General. The two- ~~and three-unit family~~ residential use of a single lot is permitted as set forth in Section 3.1.4, Table of Use Regulations. For the purposes of this section, any set of two or three dwelling units on a single lot, whether in the same building or in separate buildings, shall be considered two- ~~or three-unit family~~ residential use. ~~except where Section 8.2 applies.~~

~~**8.1.2 Site Plan Approval Required.** Two-family residential use of a single lot shall require site plan approval from the Planning Board. Every application for a site plan approval shall be accompanied by site plans, floor plans and elevations meeting all applicable requirements of this Bylaw.~~

8.1.32 Requirements. All two- ~~family~~ and three-unit residential uses shall comply with the following requirements:

- ~~1. All repairs, renovations or construction specified by the applicant in his application shall be made to the satisfaction of the Inspector of Buildings before an occupancy permit is issued.~~
- ~~2. There shall be separate toilet, bath and kitchen facilities for each dwelling unit.~~
- ~~3. 1. Fire escapes and outside stairways leading to a second or higher story, where practicable, shall: not be located on any building wall facing a street; be located on the rear or side of the building; and comply with Section 4.2.3, Permitted Projections into Yards.~~
- ~~4. 2. One and one-half (1.5) off-street parking spaces shall be provided for each dwelling unit, located in such a manner that permeable surfaces, including lawns and/or garden areas but exclusive of all structures, driveways, walkways and parking spaces, shall be no less than 15% of the total area of the property. Deviation from this requirement may be permitted in accordance with Section 6.1.9.~~
- ~~5. 3. Drainage controls shall be specifically designed and detailed on drawings. Drainage improvements may be required as a condition of the site plan review approval.~~
- ~~6. Any other conditions specified by the Planning Board.~~

~~**8.1.4 Notice.** The Planning Board shall notify the Inspector of Buildings of its site plan review approval and any conditions prior to the issuance of a building permit.~~

8.2 ACCESSORY DWELLING UNIT (ADU)

8.2.1 General. An accessory dwelling unit (ADU) is permitted in any district, except where an ADU is proposed in a legally pre-existing nonconforming structure, in which case the ADU shall require a special permit issued by the Zoning Board of Appeals in accordance with Sections 5.0, 8.2, and 10.4.

~~**8.2.2 Site Plan Approval.** Any new ADU shall be subject to site plan review and approval based upon the criteria set forth herein and in Section 10.5. The Planning Board will conduct the site plan review in accordance with Section 10.5 and all criteria specified in Section 8.2. An approved site plan for an ADU is required prior to the issuance of the building permit by the Building Inspector. The Board of Health shall give its approval prior to the issuance of a building permit.~~

8.2.3-2 Requirements.

1. Only one ADU may be established per lot.
2. An ADU may not in any case be larger than 900 square feet of net usable floor area. If a dwelling unit greater than 900 square feet of net usable floor area is created within a single-family-unit home, the residence will be considered a two-family unit dwelling and will be subject to the requirements of Section 8.1 of this Bylaw.
3. The structure in which the ADU is to be located must meet the zoning requirements for residences, except when it is a legally pre-existing nonconforming structure and the Zoning Board of Appeals authorizes the use by special permit.
4. One parking space shall be provided in addition to that required by the present building. All required parking spaces, including the parking space for the ADU, must be provided no closer to the street than the building setback line, ~~unless other specified provisions are made and agreed to by the permit granting authority. The Planning Board, or SPGA, in accord with a finding by the Planning Board, may, by special permit pursuant to Section 10.4, authorize a deviation from this requirement.~~ Deviation from these requirements may be permitted in accordance with Subsection 6.1.9.
5. An ADU may be created within a new or a previously existing single-family-unit or two-unit family residential structure.

6. A home occupation may be allowed within any dwelling unit and/or accessory structure. Any such home occupation shall meet the provisions of Section 3.3.

7. Fire escapes and outside stairways leading to a second or higher story shall comply with Section 4.2.3.

8. Farm Dwellings: More than one ADU shall be allowed on lands used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture, or viticulture as defined in MGL Ch. 128, Sec 1A, provided such ADUs are solely used for the farm's ~~full-time~~ employees.

9. The Board of Health or its agent shall give its approval prior to the issuance of a building permit.

8.3 ~~MULTI-UNIT~~FAMILY DWELLINGS

8.3.1 General. Multi-unit residential ~~family~~ uses may be permitted by-right or by special permit as set forth in the Table of Use Regulations, and All multi-family uses shall require site plan approval in accordance with Section 10.5.

8.3.2 Definition. For the purposes of this section, the placing of more than ~~two~~ three dwelling units on a single lot, under any circumstances, shall be considered a multi-unit ~~family use~~ residential use. Example: a lot with a three-unit residential use and an accessory dwelling unit would be classified as a multi-unit residential use.

8.3.3 Requirements. Multi-unit ~~family~~ dwellings shall comply with all the following special requirements ~~and procedures, as applicable, which shall be made conditions of the special permit.~~ The Special Permit Granting Authority (SPGA) may waive any or all of these requirements for multi-unit ~~family~~ dwellings in existence as of May 9, 2016, after making a specific finding of why the requirement should not apply, and shall note any waivers in the Special Permit decision.

~~1. In a multifamily development, more than one principal building may be permitted on a lot, provided that there shall be at least 2,500 square feet of lot area for each dwelling unit. The SPGA may, by special permit, allow the lot area per unit to be less than 2,500 square feet per unit.~~

~~2.1~~ Permeable open space on the lot, including lawn and/or garden area but exclusive of structures, driveways, walkways and parking spaces, shall be no less than 50% of the total area of the property.

~~3.2~~ One and one-half (1.5) off-street parking spaces shall be provided for each dwelling unit. No space shall be considered available for parking if such space reduces the effective width of a driveway providing access to more than one dwelling unit to less than 12 feet. In the event that the required parking spaces cannot be provided on the property, deviation from this requirement may be permitted in accordance with Section 6.1.9.

8.3.4 Procedures. ~~When filing a special permit application, if required, the applicant shall submit to the SPGA at least six copies of a site plan showing, in addition to all characteristics specified in Section 10.5, the general plan and elevations of the buildings, as well as provisions for proposed parking spaces, interior roadways, walkways, drainage and recreational facilities.~~

~~1. Such site plan, subject to such amendment thereof as may be required by the Planning Board under the provisions of this Bylaw shall be made a part of the building permit.~~

~~2. The SPGA shall notify the Inspector of Buildings of its approval of a special permit.~~

8.3.5 Occupancy Permit. ~~All repairs, renovations or construction specified by the applicant in his application shall be completed to the satisfaction of the Inspector of Buildings before an occupancy permit is issued.~~

8.3.6 8.3.4 Exemptions in Downtown B District, B2X, HVC, MXD District, and General Business B2 District. The requirements of Section 8.3.3 shall not apply to any multifamily dwelling in a single existing building within the Downtown Business B District, B2X, B2, HVC, or MXD District.

ARTICLE 34: ZONING – ROUTE 7 TREE REQUIREMENTS

To see if the Town will vote to amend Section 6.2.7, of the Zoning Bylaw, as set forth in this article, or to take any other action relative thereto.

Purpose of the amendments: This proposal is to amend Route 7 landscaping requirements because the existing requirement for a new tree for every 25 feet of frontage can be impractical.

Proposed deletions of existing text are ~~struck through~~. Proposed insertions are underlined.

6.2.7 Required Trees. At least one deciduous tree shall be planted within the lot's front setback for every 25 feet of frontage on a lot on which a new building is erected or when any activity or use requires Site Plan Review as set forth in Section 10.5.1. The tree or trees shall be planted between the roadway and the building line that is closest to the roadway, provided that this does not interfere with utilities. The Planning Board, as part of its Site Plan review and approval for a project, may waive or modify the requirements of this subsection if it finds that strict adherence to this requirement would be impractical given the particular characteristics of the site.

ARTICLE 35: ZONING – B-2 ZONE AFFORDABLE HOUSING

To see if the Town will vote to amend the B-2 column of Section 3.1.4, Table of Use Regulations, of the Zoning Bylaw, by adding a footnote as set forth in this article, and to authorize the Town Clerk to assign the applicable number, or to take any other action relative thereto.

Purpose of the amendments: These amendments would add a footnote to two uses in the B-2 zone column of Section 3.1.4, Table of Use Regulations. Specifically, the use permissions for Multi-Unit Residential Development of more than 9 dwelling units and for Mixed Use development, both of which currently require a Special Permit from the Selectboard, would be amended so that if the development includes affordable housing, the development shall be permitted by right.

Proposed deletions of existing text are ~~struck through~~. Proposed insertions are underlined.

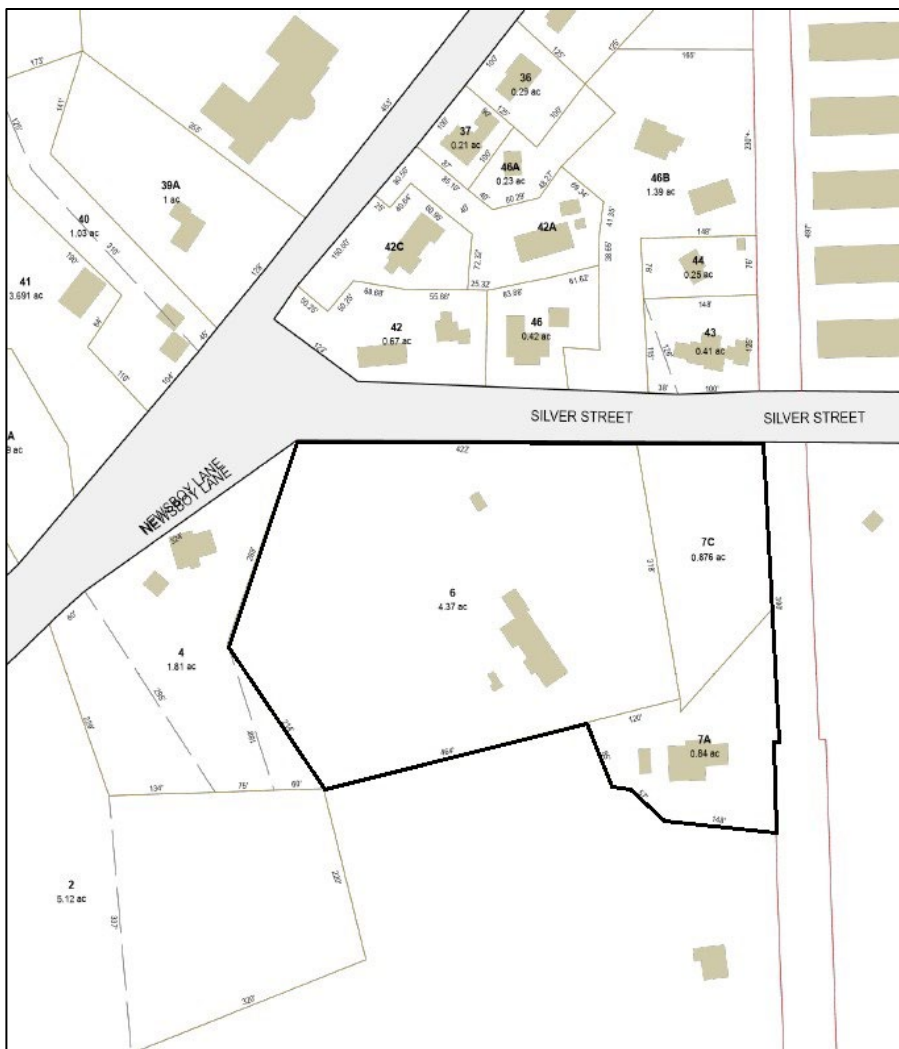
Permitted Use		ZONING DISTRICT ¹	ADDITIONAL APPLICABLE REGULATIONS
		B2	
A. Residential uses			
(1)	Dwelling, Single family	Y	
(2)	Dwelling, Two-family	Y	See also 8.1 , 8.7 .
(3)	Dwelling, multifamily 3 to 8 units	Y	See also 8.3
	9 units or more	SB ^x	See also 8.3 . <u>Affordable housing per footnote x</u>
(4)	Assisted living residence	PB	See also 8.8
(5)	Live/work units	Y	See also 9.4 , 9.6 .
(6)	Lodging house or tourist home for transient guests	SB	See also 7.16
(7)	Mixed use	SB ^x	See also 8.4 , 9.6 . <u>Affordable housing per footnote ^x</u>

^x In any development containing 9 or more residential units, if at least ten percent of those units are dedicated as a unit affordable to a household earning not more than 100 percent of the area median income, that development shall be permitted by right. Any fractional unit number shall be rounded to the next whole number. The affordable status of the unit(s) shall be set forth in a covenant, deed restriction or similar legal document running with the land for a period of not less than 20 years from the date of the first certificate of occupancy of the unit.

ARTICLE 36: ZONING – AMEND THE ZONING MAP ON SILVER STREET

To see if the Town will vote to amend the Zoning Map by changing the zoning designation of parcels 6, 7A, and 7C on Assessor's Map 24 from R2 to R1A, as shown in the map below, or to take any other action relative thereto.

Purpose of the amendments: This action is intended to rezone approximately 6 acres on Silver Street from R-2 to R-1-A in order to allow additional housing to be created at this location.



ARTICLE 37: CONVEY INTEREST IN LAND ALONG OLD ROUTE 7 PATH

To see if the Town will vote to transfer to the Selectboard the care, custody and control of the following described land located adjacent to the Old Route 7 Path for the purpose of sale to the owner of the abutting property known as 434B Stockbridge Road for the sum of \$10,000, said land being that area located within the deed description for said 434B Stockbridge Road and lying outside the asphalt trail portion of the path as shown on a plan entitled “As-Built Survey Plan of Multi-Use Path And Tax Parcel #26-27-A prepared for Town of Great Barrington” by Foresight Land Services, dated July 14, 2022; and to authorize the Selectboard, on behalf of the Town, to execute a deed conveying the Town’s interest in such land and to take all actions necessary to accomplish such conveyance; or take any other action relative thereto.

ARTICLE 38: Citizen’s Petition

We the undersigned residents of the Town of Great Barrington do hereby request a warrant to be on the agenda for the May 1st 2023 Annual Town Meeting to present the following motion for the following addition to the General Bylaws:

(Citizen’s Petition) To see if the Town will vote to add under the General Legislation / Zoning Section 9.3.16.5 Wireless Telecommunications Overlay District; to adopt a Wireless Telecommunications Facilities (WTFs) application requirement for completeness:

WTF applications, will be considered incomplete until the FCC completes the DC Circuit Court-mandated Environmental Review of the entire 800,000 to 1 million WTF roll out to the conditions as stated in the NEPA policy

Act 1691 I including studies from scientists independent from industry, who have fully investigated millimeter wave 5G small cell technology safety; and that the FCC regulations have been updated to include measures that comply with the results of this review; and, that the Town of Great Barrington shall consider reasonable alternatives such as fiber optic.

1 The FCC is required by the National Environmental Policy Act of 1969, among other things, to evaluate the effect of emissions from FCC-regulated transmitters on the quality of the human environment. On August 9, 2019, the D.C. Circuit Court of Appeals, in its Ruling in Case 18-1129, vacated FCC Order 18-30's deregulation of small-cell Wireless Transmission Facilities(s) [sWTFs} and remanded this to the FCC. In Case 18-1129, the judges stated that "the FCC failed to justify its determination that it is not in the public interest to require review of [sWTF] deployments" and ruled that "the Order's deregulation of [sWTFs] is arbitrary and capricious." The FCC was mandated to do this review in two court rulings which are submitted into the record: one in 2019 in Case 18-1129, Keetoowah et al. v FCC; and another in 2021 in Case 20-1025, EHT/CHD v. FCC. To date the FCC has not complied.

<https://scientists4wiredtech.com/2019/08/federal-court-overturms-fcc-overturms-fcc-order-bypassingenvironmental-r>
<https://www.fcc.gov/document/dc-circuit-decision-environmental-helath-trust-v-fcc>

Definition: Wireless Telecommunications Facilities means the plant, equipment and property including, but not limited to, cables, wires, conduits, ducts, pedestals, electronics, and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireless telecommunications service. October 1, 2019, the D.C. Circuit Court of Appeals in Case No, 18-1051, Mozilla et al. v. FCC, confirmed internet "Services" to be reclassified by the FCC as Title I, unregulated "Information Services". At present, only wireline and wireless telephone and text transmissions are classified as Title II, regulated "Telecommunications Services". Title I and Title II applications, therefor, need to be regulated differentially by local planning boards and commissions. Every new [wireless telecommunications facility ("WTF")] must undergo NEPA review, and that WTF applications cannot be batched for such purpose.

ARTICLE 39: Citizen's Petition

A Citizen's petition to amend the Short-Term Rental Bylaw as adopted under Article 25 at the June 6, 2022 Annual Town Meeting as follows:

Delete: strike through

Add: text in Red

An owner shall not register or offer an rental unit subject to a long term lease as a Short-Term Rental, ~~nor shall a tenant offer his/her/their rental unit as a Short term Rental.~~ A long term tenant, for whom it is a primary residence, may , if allowed by the property owner, do short-Term Rental subject to the same rules and regulations as a resident owner.

ARTICLE 40: Citizen's Petition

A citizen's petition to amend the Short-Term Rental Bylaw—adopted under Article 25 at the June 6, 2022, Annual Town Meeting—by adding a new section following the section of the bylaw titled "Inspection", as follows:

Monitoring Short-Term Rentals

The Town of Great Barrington may not hire, contract with, or otherwise engage the services of a private company, firm, individual or other entity to monitor the use of homes/dwellings that may be being used as short-term rentals in order to ascertain compliance with the short-term rental bylaw; this includes, but is not limited to, entities that provide a system that encourages and directs neighbors to report on each other regarding the use of their homes/dwellings, and that gathers data on the use of homes/dwellings to provide to the Town of Great Barrington

ARTICLE 41: Citizen's Petition

A citizen's petition to amend the Short-Term Rental Bylaw—as adopted under Article 25 at the June 6, 2022, Annual Town Meeting—by deleting the second and third paragraphs under the section “Regulations”, as indicated by a strike-thought:

Regulations:

No dwelling unit or part thereof may be offered as a Short-Term Rental within the Town of Great Barrington unless it is registered annually with the Town through an application process approved by the Selectboard and in accordance with this Chapter, and registered with the Commonwealth of Massachusetts Department of Revenue in accordance with applicable laws.

~~An Owner may register to operate only one dwelling unit as a Short Term Rental. If a person owns two properties, or owns one and is listed as a manager or agent for a second that is owned by an LLC, for example, that person must choose one or the other to be registered as a Short term Rental. No person shall have more than one legal or equitable title or beneficial interest in any dwelling unit used for a Short Term Rental except as provided for above. An Owner may hire a property management company to list and manage Short Term Rentals, but the registration must be in the Owner's name.~~

~~Up to Two bedrooms in a dwelling unit or an entire secondary unit on the same parcel may be registered and rented as a Short Term Rental by right. The registered Short Term Rental may be rented for an unlimited number of days per year, provided that the Owner is residing in one of the dwelling units on premises at the time of the rental. In cases where the Owner is not residing on premises at the time of the rental, no unit or portion thereof may be rented more than 150 days per year.~~

Short-Term Rentals are prohibited in dwelling units owned by a corporation. Short-Term Rentals are permitted in dwelling units owned by an LLC or Trust only when every shareholder, partner or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration.

Short-Term rentals are prohibited in dwellings units designated as affordable or otherwise income-restricted, which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law.

An Owner shall not register or offer a rental unit subject to a long term lease as a Short-Term Rental, nor shall a tenant offer his/her/their rental unit as a Short-Term Rental.

ARTICLE 42: Citizen's Petition

The citizens of Housatonic and Great Barrington petition the town of Great Barrington to purchase own and operate the Housatonic Water company.

HEREOF FAIL NOT, and of this Warrant and your doings thereon, make due return to the Clerk of said Town at or before the time and place of said meeting.

Given under our hands and the seal of the Town of Great Barrington, this 14 day of April, 2023.

Stephen C. Bannon


Leigh Davis

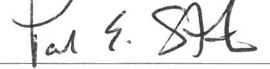

Edward Abrahams

Garfield Reed


Eric Gabriel

Selectboard of the Town of Great Barrington

A TRUE COPY ATTEST:


Paul E. Storti, Chief of Police
Town of Great Barrington

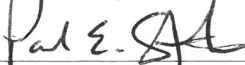
COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, SS.

I hereby certify that I have served the foregoing warrant by posting duly attested copies thereof in the following places in the Town of Great Barrington, namely:

The vestibule of the Town Hall Building and the Post Office in the Town of Great Barrington, the post office in the Village of Housatonic, Mason Library in the Town of Great Barrington, and the Ramsdell Library in the Village of Housatonic, seven days, at least before the time of holding the within mentioned Town Meeting.

WITNESS my hand and seal this 14 day of April, 2023.


Paul E. Storti, Chief of Police
Town of Great Barrington