

Jennifer Tabakin
Town Manager

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www.townofgb.org



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-1619 x2
Fax: (413) 528-2290

TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

SELECTBOARD'S MEETING AGENDA

MONDAY, FEBRUARY 8, 2016

7:00 PM – REGULAR SESSION

TOWN HALL, 334 MAIN STREET

ORDER OF AGENDA

7:00 PM - OPEN MEETING

1. CALL TO ORDER

2. APPROVAL OF MINUTES:

January 20, 2016 Special Permit Meeting.
January 25, 2016 Regular Meeting.

3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

4. TOWN MANAGER'S REPORT:

5. PUBLIC HEARINGS:

A. Transfer of Common Victualler Restaurant All Alcoholic Liquor License from Sisco Murphy, LLC d/b/a The Well, Juliet E. Popper, Manager to The Well Restaurant and Bar LLC d/b/a The Well, Hilary Drucker, Manager at 312 Main Street, Suite 1, Great Barrington, MA 01230. (Discussion/Vote)

- a. Open Public Hearing
- b. Explanation of Project
- c. Speak in Favor/Opposition
- d. Motion to Close Public Hearing
- e. Motion re: Findings
- f. Motion re: Approval/Denial/Table

6. LICENSES OR PERMITS:

A. Hilary Drucker/The Well Restaurant and Bar LLC d/b/a The Well for 2016 Common Victualler License at 312 Main Street. (Discussion/Vote)

B. Robin Vickery/Great Barrington Fish & Game for One Day Beer and Wine Liquor License

for February 27, 2016 from 5:00 pm – 9:00 pm at 338 Long Pond Road.
(Discussion/Vote)

- C. Robin Vickery/Great Barrington Fish & Game for a **Change of Date** on One Day Beer and Wine Liquor License from February 13, 2016 to February 20, 2016 from 11:00 am – 7:00 pm at 338 Long Pond Road. (Discussion/Vote)

7. OLD BUSINESS:

A. Winter Parking Ban – Discussion.

B. SB – **Continuation** of Recommendation to the ZBA on the Comprehensive Permit Application for “100 Bridge Street” submitted by Community Development Corporation of South Berkshire at 100 Bridge Street (the former New England Log Homes property), Great Barrington, MA. (Discussion/Vote)

8. NEW BUSINESS:

A. SB – Appointment to the Cultural Council. (Discussion/Vote)

B. SB – Referral of Proposed Zoning Amendments to the Planning Board. (Discussion/Vote)

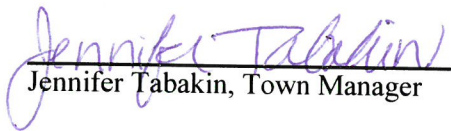
9. CITIZEN SPEAK TIME:

10. SELECTBOARD’S TIME:

11. MEDIA TIME:

12. ADJOURNMENT:

NEXT SELECTBOARD’S MEETING: MONDAY, FEBRUARY 22, 2016, 6:00 P.M.



Jennifer Tabakin, Town Manager

THIS MEETING MAY BE RECORDED BY MEMBERS OF THE MEDIA. THE LISTING OF AGENDA ITEMS ARE THOSE REASONABLY ANTICIPATED BY THE CHAIR WHICH MAY BE DISCUSSED AT THE MEETING. NOT ALL ITEMS LISTED MAY IN FACT BE DISCUSSED AND OTHER ITEMS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

TOWN OF GREAT BARRINGTON

NOTICE OF PUBLIC HEARING

The Selectboard will hold a public hearing on **Monday, February 8, 2016 at 7:00 P.M.** at the Town Hall, 334 Main Street, Great Barrington, MA to act on the transfer of Common Victualler Restaurant All Alcoholic Liquor License from Sisco Murphy, LLC d/b/a The Well, Juliet E. Popper, Manager to The Well Restaurant and Bar LLC d/b/a The Well, Hilary Drucker, Manager at 312 Main Street, Suite 1, Great Barrington, MA 01230.

Sean Stanton
Chairman

PLEASE PUBLISH January 29, 2016 and February 5, 2016

COMMONWEALTH OF MASSACHUSETTS
TOWN OF GREAT BARRINGTON
APPLICATION FOR COMMON VICTUALLER LICENSE

FEE: \$25.00 (Payable to the Town of Great Barrington) DATE: 2/3/16

NOTICE:

As provided by MGL Chapter 140, the sale of food for immediate consumption on the premises of the vendor has an intimate relation to the public health, and such activity cannot be conducted without the proper license and permit.

TO THE LICENSING AUTHORITY:

The undersigned hereby applies for a Common Victualler License in accordance with the provisions relating thereto:

OWNER(S) NAME: Hilary Drucker

NAME OF BUSINESS: The Well Restaurant and Bar LLC

D/B/A (if applicable): The Well

BUSINESS MAILING ADDRESS: 312 Main Street Suite 1 Great Barrington MA 01230

BUSINESS TELEPHONE: 413-528-3651 HOME TELEPHONE: 413-528-7743

LOCATION WHERE LICENSE IS TO BE USED: 312 Main Street Suite 1
Great Barrington, MA 01230

DAYS OF OPERATION: Sunday - Monday

HOURS OF OPERATION: 11:00am - 1:00am

DESCRIPTION OF PREMISES: dining area, bar and kitchen

Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

Hilary Drucker
Signature of Individual or Corporate Name

By: _____
Corporate Officer (if applicable)

SS# _____ or FID# 81-1172852

FEB 03 2016

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

(pd)
Fee: \$25.00 (per day)



APPLICATION FOR ONE DAY LIQUOR LICENSE

TO THE LICENSING AUTHORITY:

The undersigned hereby applies for a License in accordance with the provisions relating thereto:

Applicant's Name: Gr. Barrington Fish + Game

Organization Name: Gr. Barrington Fish + Game

Applicant's Address: 338 Long Pond Rd Housatonic Ma

Telephone Number: 274-6291

Type of License: ONE DAY BEER & WINE ONE DAY ALL ALCOHOLIC
(Circle one)

Event: "Suprize" Private Birthday Party

Date: 2/27/16 Start Time: 5:00 pm End Time: 9:00 pm

Event Address: 338 Long Pond Road Housatonic Ma

Is the Event on Town property? YES NO

PLEASE ATTACH THE FOLLOWING TO YOUR APPLICATION:

1. TIPS or ServSafe Alcohol certification for anyone serving alcohol.
2. Certificate of Insurance showing proof of Liquor Liability coverage.
(If the event is on Town property, the certificate must name the Town of Great Barrington as additional insured.)
3. If the event is not on applicant's property, a letter of permission from the owner is required.

Liability: The below individual agrees to take responsibility for the above-noted event and further agrees to indemnify, save harmless, and defend the Town of Great Barrington, its officers, employees and agents, from and against any and all liabilities, claims, penalties, forfeitures, suits, and the costs and expenses incident thereto, which may occur in connection with this event.

Robert M. Vickey
Signature of Applicant

2/27/16
Date

FOR TOWN USE:

Approved _____

Denied _____

Postponed _____

* For a Change of Date to:
February 20, 2016

NUMBER

2016-01



LICENSE FEE

\$25.00

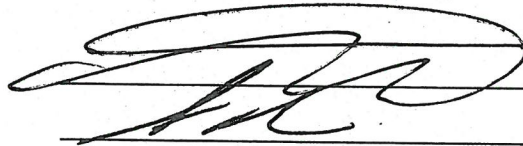
TEMPORARY LICENSE
THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF GREAT BARRINGTON

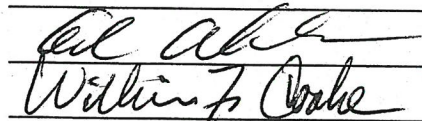
This is to certify that GREAT BARRINGTON FISH & GAME, 338 Long Pond Road,
Housatonic, MA 01236

IS HEREBY GRANTED A SPECIAL LICENSE
FOR THE SALE OF BEER AND WINE ONLY
TO BE DRUNK ON THE PREMISES
Under Chapter 138, Section 14, of the Liquor Control Act.

Annual Ice Fishing Derby from 11:00 A.M. to 7:00 P.M. on February 13, 2016 at the
Great Barrington Fish & Game, 338 Long Pond Road, Housatonic, MA 01236

This license is granted in conformity with the Statutes and ordinances relating thereto,
and expires February 14, 2016 unless sooner suspended or revoked.





SELECTBOARD

Date: January 27, 2016



TOWN OF GREAT BARRINGTON MASSACHUSETTS

DEPARTMENT OF PUBLIC WORKS

EXECUTIVE SUMMARY

TITLE: Winter Parking Ban

BACKGROUND: In the Town Code Chapter 204, Article V, § 204-24 it states:

“It shall be unlawful for the operator of any vehicle to park on any street between the hours of 1:00 a.m. and 6:00 a.m. for a period of time longer than two hours from November 1 to April 1 inclusive, except that vehicles acting in an emergency may be parked for an unlimited time on Main Street on any day.”

The Selectboard has asked staff to review the code and gather information on other municipal parking bans in effect. A brief summary table is attached.

RECOMMENDATION: Any changes to the Winter Parking Ban would require a change to the Town Code and would have to be approved at Town Meeting. The staff's recommendation are as follows:

- Do not change the Winter Parking Ban as it now stands.
- Strictly enforce the parking ban as necessary during winter maintenance activities.

FISCAL IMPACT: There is no fiscal impact for the Town.

PREPARED BY: _____
Joe Sokul, DPW Superintendent

DATE: 2/5/2016

REVIEWED BY: _____
Jennifer Tabakin, Town Manager

DATE: 2/5/2016

Parking Ban Summary

Town	Policy
Shelburne	Uses a flashing light system located in the village. When lights are flashing the on street parking ban is in effect
Westfield	Uses an announcement type system when the on street parking ban is in effect. Announcements are made through the City's website, radio and television outlets
Williamstown	Restricted parking ban throughout the year between the hours of 10:00 p.m. to 6:00 a.m. Parking restricted to one hour on street during this period.
Lenox	Restricted parking ban throughout the year between the hours of 1:00 a.m. and 6:00 a.m. Parking restricted to one hour on street during this period.
Lee	Parking Ban in effect from November 1 to April 1 from 1:00 a.m. to 6:00 a.m.

such diagonal parking is permitted, vehicles shall be parked with one wheel within twelve (12) inches of the curb and at the angle to the curb indicated by official marks and signs. The vehicle shall be parked so that all four wheels thereof shall be placed wholly within the area indicated for parking, and headed to the curb.

Section 5-4. Parking Vehicle for Sale Prohibited.

It shall be unlawful for any person to park upon a street or highway any vehicle displayed for sale.

Section 5-5. No All Night Parking.

No person shall allow, permit or suffer any vehicle registered in his name, other than one acting in an emergency, to be parked on any street for a period of time longer than one (1) hour between the hours of 1:00 a.m. and 6:00 a.m. of any day.

Section 5-6. Parking Locations and Prohibitions.

Parking is prohibited, restricted or limited as to time, space and streets in accordance with a schedule of streets designated as Schedule No. I, hereto appended to which reference is made and which Schedule No. I, is specifically incorporated in this section. No operator shall park a vehicle in the designated prohibited locations or in the restricted locations for a period longer than is designated in Schedule No. I, except as otherwise provided in this Schedule, or where there is a time limit as to parking.

Section 5-7. Prohibited at Safety Zones.

No person shall park a vehicle within twenty (20) feet of either end of a safety zone which is located within thirty (30) feet of the curb or edge of the roadway.

Section 5-8. Bus Stops.

- (a) No person shall stop or park a vehicle other than a bus in a bus stop.
- (b) No person shall park a bus upon any street within a business district at

NEWS RELEASE FROM THE OFFICE OF THE PARKING CLERK
SUBJECT: CITY STREET SNOW PARKING BAN

THE CITY OF WESTFIELD HAS AN ON-STREET SNOW BAN PARKING POLICY DURING PLOWABLE SNOWSTORMS.

MOTORISTS ARE NOT ALLOWED TO PARK ON THE CITY STREETS FROM THE BEGINNING OF A PARKING BAN ANNOUNCEMENT UNTIL AFTER THE STORM CEASES AND THE PLOWING HAS BEEN COMPLETED ON THE STREETS. ANNOUNCEMENT OF A PARKING BAN IS DONE ON THE LOCAL CABLE ACCESS CHANNEL 15, TV STATIONS WWLP 22 AND WGBY 40 AND THE LOCAL RADIO STATIONS, WMAS, WHYN, WNNZ.

WHEN A PARKING BAN IS CALLED MOTORISTS MUST OBEY THE POLICY OR THEY WILL BE SUBJECT TO TOWING AND A PARKING VIOLATION.

WHEN A SNOWSTORM IS ANTICIPATED TO BEGIN DURING THE NIGHT, MOTORISTS WHO PARK THEIR VEHICLES OVERNIGHT ON THE STREET IN FRONT OF THEIR RESIDENCE SHOULD MOVE THEIR VEHICLES OFF THE STREET PRIOR TO RETIRING FOR THE NIGHT.

MOTORISTS WHO USE THE DOWNTOWN CORE STREETS FOR BUSINESS PARKING DURING A SNOW BAN MUST PARK IN ONE OF THE CITY'S OFF-STREET PARKING LOTS. THE OFF-STREET LOTS ARE FREE DURING SNOW BANS FROM 9:00 A.M. TO 5:00 P.M. ONLY. THIS ACTION WILL ALLOW THE STREETS TO BE PLOWED AND PREVENT MOTORISTS FROM BEING TOWED AND RECEIVING PARKING VIOLATIONS.

MOTORISTS MAY CALL THE FOLLOWING OFFICES OR GO ON THE CITY'S WEBSITE FOR CONFIRMATION OF A PARKING BAN.

- PUBLIC WORKS 572-6226
- PARKING CLERK-572-6202-press 2
- POLICE DEPT.-562-5411- ext 8
- MAYOR-572-6201
- CITY WEBSITE - cityofwestfield.org

ANNOUNCEMENT OF A PARKING BAN IS REPORTED BY THE FOLLOWING:

- LOCAL CABLE ACCESS CHANNEL 15,
- TV STATIONS WWLP 22, CBS3, ABC40, & FOX6
- THE LOCAL RADIO STATIONS
- CITY WEBSITE - cityofwestfield.org

Town of Williamstown, MA
Berkshire County

Enter search term...

83 results for: winter parking

Search

Code	New Law	Relevance
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§ 70-6.1 Off-street parking and loading.

... Special event and overflow **parking** shall be permitted on grass, ... streets. Any increase in **parking** beyond the minima prescribed ... Number of spaces. Off-street **parking** and loading spaces required ... for the other. Off-street **parking** and loading spaces shall be ...

Zoning> Other General Regulations

parking	40
parks	1
winter	1

§ 130-28 Diagonal parking.

... streets upon which diagonal **parking** will be permitted and shall ... Chief of Police. Diagonal **parking** is permitted upon certain ... VI relative to diagonal **parking** is herewith specifically ... section. Where such diagonal **parking** is permitted, vehicles shall be **parked** with one wheel within 12 ...

Vehicles and Traffic> Stopping, Standing and Parking

parked	2
parking	6

§ 28-1 Parking prohibited.

... vehicle or trailer to stand or **park**, whether on public or private property, within **parking** spaces designated as reserved for ... persons and displaying special **parking** identification issued through the ...

Handicapped Parking

park	1
parking	3

§ 130-27 All-night parking.

No person shall allow, permit or suffer any vehicle registered in his name, other than one acting in an emergency, to be parked on any street for a period of time longer than one hour between the hours of 1:00 a.m. and 6:00 a.m. of any day.

Vehicles and Traffic> Stopping, Standing and Parking

parked	1
parking	1

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Town of **Lee** MASSACHUSETTS

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Winter Parking Ban

POSTED ON: OCTOBER 28, 2015 - 9:43AM

WINTER PARKING BAN

The "Winter Parking Ban" is in effect from November 1 to April 1 between the hours of 1:00a.m. and 6:00a.m. for all streets in Lee. Violations of this ban may result in a \$20 fine for parking in prohibited areas, or a \$50 fine for impeding snow removal. In addition, if the vehicle is impeding snow removal, it may be towed at the owner's expense.

The Municipal parking lot off of Railroad Street, (Westside Parking lot) and the Municipal parking lot off Franklin Street (Eastside Parking Lot) are approved for use as "off street parking" for all residents in the downtown. However, vehicles may not park in either of these lots between 7am and 8am to facilitate snow removal as needed. As a courtesy, residents that frequently park in either of these lots, may call the Lee Commu-

nications Center at 243-2100, and leave their vehicles registration number and a contact number so that they may be contacted in the event their vehicles are impeding snow removal. Vehicle owners are still responsible for compliance with the parking ban in the event that the Communication Center is not able to make contact with the owner regarding snow removal.

Persons having questions about off street parking or the winter off-street parking ban can call the Lee Police Department at 243-5530.

Town of Lee, 32 Main Street, Lee, MA 01238

[Phone Directory](#) [Website Disclaimer](#) [Virtual Towns & Schools Website](#)

[Login](#)

**Zoning Board of Appeals
Town of Great Barrington**

NOTICE OF PUBLIC HEARING

The Great Barrington Zoning Board of Appeals will hold a public hearing on Thursday, January 7, 2016, at 7:30 p.m. at Town Hall, 334 Main St., Great Barrington, to act on the Comprehensive Permit Application for "100 Bridge Street" submitted by **Community Development Corporation of South Berkshire**. The site is the former New England Log Homes property. The application is for 45 affordable rental housing units, 36 market-rate condominiums, 30,700 square feet of commercial retail space, and 6,500 square feet of commercial office space on an eight-acre site at 100 Bridge Street. Two acres would be public open space along the Housatonic River. The Board will make a site visit at 5:30 p.m. that same date. A copy of the petition is on file at the Town Clerk's office, Town Hall.

Ron Majdalany, Chairman

Berk. Record - Dec. 18 & 23, 2015

SB Recommendation - Jan. 11/16 meeting

↓
Cont to Jan. 25/16 @ 7:00 PM

↓
Cont to Feb. 8/16 @ 7:00 PM

Zoning Board of Appeals
Town of Great Barrington

NOTICE OF PUBLIC HEARING

The Great Barrington Zoning Board of Appeals will continue a public hearing on Wednesday, February 17, 2016, at 7:30 p.m. at Town Hall, 334 Main St., Great Barrington, on the Comprehensive Permit Application for “100 Bridge Street” submitted by Community Development Corporation of South Berkshire.

Ron Majdalany, Chairman

Please publish January 15, 2016



Town of Great Barrington Massachusetts

Application to the Zoning Board of Appeals

INSTRUCTIONS

You may download this form and fill it in on your computer. Fill out all applicable information. Save and print the form, and sign it where required. When you are ready with your form and all supporting plans and materials, call the Town Planner to set up a time to file the application. You will need to submit the original and 14 full copies of the entire package. It may not be submitted electronically, but submissions made by mail are acceptable. Incomplete applications and those not accompanied by the required fee or copies may be rejected. The Town Planner can be reached at (413) 528-1619, x.7 (Note, for Comprehensive Permit applications, please call the Town Planner.)

FOR OFFICE USE ONLY

Filing Date: 12/9/15
Received and checked for completeness by: CR
Number Assigned:
Date filed with the Town Clerk 12/9/15
FOR ZBA USE:
Advertising dates: &
Public hearing date:

TIMELINE: The Zoning Board of Appeals (ZBA) will set a public hearing date that is at least 45 days but no more than 65 days from the date of your filing. The hearing date will be posted at Town Hall and in accordance with the Open Meetings Law, and notice of the hearing will be sent to the Applicant and/or Applicant's agent and abutting property owners by mail, and advertised for two consecutive weeks in the local newspaper.

A. WHAT ARE YOU SEEKING?

Check all that apply. If you are unsure, please consult with the Town Planner, Building Inspector, or ZBA Secretary (413-528-4953)

- VARIANCE (exempts a property from some Zoning requirements)
SPECIAL PERMIT (for changes to nonconforming uses, structures)
APPEAL (to overturn a decision of Building Inspector or a Board)

B. SITE / PROPERTY INFORMATION

Address of Subject Property 109 Bridge Street
Assessor's Map No. 20 Lot No. 61
Registry of Deeds Book No: 1780 Page: 278
Zoning District(s) B-3
Overlay Districts (if any)

C. APPLICANT AND OWNER INFORMATION

Name (please print) CDC of South Berkshire Phone (area code first) (413)528-7788
Street Address 17 Bridge Street / PO Box 733
City, State, Zip Code Great Barrington, MA 01230
If Applicant is a corporation, provide name of contact person: Tim Geller
Email Address tim@cdcsb.org Signature Timothy Geller

- Check here if Applicant and Property Owner are the same, and skip to the next section.
Check here if Applicant is different than the Property Owner, and to verify that you have the Property Owner's permission to file this Application. Note that the Property Owner must sign below to indicate permission to file this Application.

Enter Property Owner's information EXACTLY as it appears on the most recent tax bill.

Name (please print) Phone (area code first)
Street Address
City, State, Zip Code
Email Address Signature

TOWN CLERK

GREAT BARRINGTON

DEC 10 2015 AM 4:03

09

MTA

D. VARIANCES If you are requesting a variance, please answer all of the following. Attach additional sheets if necessary.

- 1) From which Section(s) of the Zoning Bylaw do you request a variance?
- 2) What will the requested variance(s) enable you to do?
- 3) If the variance(s) is not granted, what hardship will that cause you?
- 4) What special circumstances relating to soil condition, shape or topography of land or structures, affect your property but not other properties in the same zone?
- 5) Explain why your special circumstances are not a result of your own actions.
- 6) If the variance(s) is not granted, what rights will you be deprived of that other properties in the same zone enjoy?
- 7) Explain why a variance will not give you any special privileges that other properties in the same zoning district don't have.

E. SPECIAL PERMITS If you are requesting a special permit, please answer all of the following. Attach additional sheets if necessary.

- 1) A special permit is being requested in order to (please describe project):
- 2) This application is made under the following Sections of the Zoning Bylaw (check all that apply)
 Section 5.2 Section 5.3 Section 5.5
 Section 5.6 Section 5.7 Section 10.4
- 3) Reason(s) that this property is not in conformance with the Zoning Bylaw
- 4) Are there any previous Special Permits or Variances for this property? No Yes
If yes, provide date(s), and name of issuing Board

F. APPEALS If you are seeking an appeal, please answer all of the following. Attach additional sheets if necessary.

- 1) This application is to appeal the decision of Building Inspector Planning Board Board of Selectmen
- 2) Date of decision
- 3) Nature of the decision
- 4) Applicable Section(s) of the Zoning Bylaw
- 5) Describe your interpretation of the nature of the decision and the remedy you seek. Attach additional sheets if needed.

G. REQUIREMENTS FOR ALL APPLICATIONS

By checking the items below, applicant acknowledges that each application is accompanied by each of the items listed below.

- Plot Plan of the entire property or tract. The Board may require the plan to be signed by a licensed surveyor or engineer, particularly if the matter involves dimensional issues. The plan should include those items listed in Section 10.5.3 of the Zoning Bylaw, including two locus maps—one USGS survey map and one current zoning map—illustrating property location.
- A current list of all abutters within 300 feet of the property, including address of owner, map and lot number. The list must be obtained from the Assessor's office and certified by the Assessor's office. Call 413-528-1619, x. 5.
- At least one copy of the application and plans / specifications shall be no larger than 11 x 17 inches.

H. APPLICATION FEE

Application fees are calculated at \$150 per request. (For example, if one box in **A.** is checked, the fee is \$150. For two boxes, the fee is \$300.)

- Check here to confirm that your check in the appropriate amount is enclosed. Make checks payable to Town of Great Barrington.

I. TECHNICAL REVIEW FEES

The Zoning Board of Appeals may hire independent consultants whose services shall be paid for by the applicant(s) under the terms of the Rules and Regulations of the Zoning Board of Appeals, and in accordance with Chapter 44, Section 53G of the Massachusetts General Laws. Check here to acknowledge and be bound by these regulations. Failure to acknowledge shall cause this application to be rejected as incomplete. *Please also sign here:* _____

J. ADDITIONAL INFORMATION

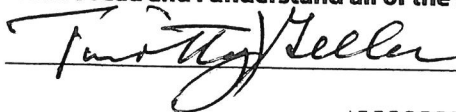
Recommending Boards: All applications to the Zoning Board of Appeals are referred to the Planning Board, Conservation Commission, Board of Health, and Board of Selectmen for comments and recommendations. Applicants should be prepared to attend those meetings in order to brief those boards of their project and answer any questions.

Site Visits: The ZBA and recommending Boards may contact the Applicant to request a site visit. Applicants agree to facilitate access to the site at a mutually convenient date and time.

Timeline/ Procedures: The ZBA conducts its business in accordance with Massachusetts General Laws. Accordingly, the ZBA will hold its Public Hearing not later than 65 days after the filing of the application. A decision for a variance or appeal will be rendered not later than 100 days from the filing date. A decision for a special permit will be made not later than 90 days after the close of the Public Hearing. The decision will be filed with the Town Clerk within 20 days of the date of the decision. The appeal period lasts for 20 days after the filing with the Town Clerk. On the 21st day, if no appeals are filed, or once all appeals are resolved, the applicant shall have the decision certified by the Town Clerk. The Applicant is responsible for then filing the decision with the Registry of Deeds, at which time the decision becomes effective.

Guidance and Counsel: In preparing this application and when presenting the case to the ZBA, applicants are advised to be fully familiar with, or seek counsel from a qualified person who is familiar with, the Zoning Bylaw and other rules, regulations, and laws as may be appropriate. If you wish to discuss the completeness of this application, or have any questions about this application, please contact the ZBA's Secretary, Bernard Drew, at 413-528-4953, or the Town Planner at 413-528-1619, x. 7. However, we will not discuss the merits or strategy of your case.

Applicant's Signature: "I have read and I understand all of the information on this application."



(signed)

12/9/15 (date)

Print Form

Need Help? Just call us.

Town Planner: (413) 528-1619, x.7

Building Inspector / Zoning Enforcement Officer:
(413) 528-3206

ZBA Secretary: (413) 528-4953

For bylaws, regulations, maps, and other useful information, visit us online at www.townofgb.org

EXECUTIVE SUMMARY

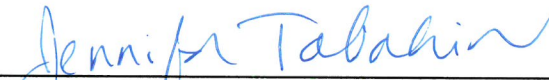
TITLE: Appointment of Cultural Council member.

BACKGROUND: The Town has advertised for residents to serve as members on the Cultural Council. M.G.L. Chapter 10, Section 58 allows for a membership of at least five members and not more than twenty-two members to be appointed by the Selectboard. The Cultural Council currently has six members. At this time there are a number of vacancies. Helen Hinkley-Grady has applied to be a member on the Cultural Council and they have recommended that the Selectboard appoint Helen Hinkley-Grady.

FISCAL IMPACT: Not applicable; members serve without compensation.

RECOMMENDATION: Appoint Helen Hinkley-Grady for a term to expire on June 30, 2017.

PREPARED AND REVIEWED BY:



Jennifer Tabakin, Town Manager

DATE:

2/5/16

A little about myself. I live in Housatonic with my husband, daughter, 2 dogs and a cat. I work at BHRSD as a paraprofessional.

I would like to join the GB Cultural Committee because I am interested in the activities that take place in our town. Great Barrington is a diverse community and offers cultural programs that interest a wide range of people. I would like to take part in helping with these efforts to enhance the arts for our neighbors and friends.

Thank you
Helen Hinkley-Grady



TOWN OF GREAT BARRINGTON
MASSACHUSETTS

PLANNING BOARD

January 29, 2016

Sean Stanton, Chairman
Great Barrington Selectboard
334 Main Street
Great Barrington, MA 01230

Re: Proposed Zoning Amendments for the May 2016 Annual Town Meeting

Dear Mr. Stanton:

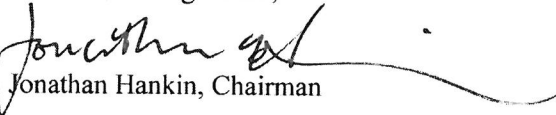
The Planning Board has drafted several zoning amendments for this coming Annual Town Meeting. The draft amendments are attached to this letter.

The procedure for proposed zoning amendments, per MGL Ch. 40, s.5, is that upon receipt, the Selectmen refer these proposals, and any other zoning amendment proposals it might receive, back to the Planning Board for a public hearing. At the hearing, the Planning Board will consider input on each draft amendment and vote whether or not to recommend the amendment to Town Meeting.

We ask the Selectmen to consider making the referral at its upcoming February 8 meeting, so that the Planning Board may hold its public hearing on March 10.

Thank you.

For the Planning Board,


Jonathan Hankin, Chairman

cc: Jennifer Tabakin, Town Manager
Marie Ryan, Town Clerk
Chris Rembold, Town Planner
Edwin May, Building Inspector

Attachment

Article : **Miscellaneous Cleanup Amendments**

To see if the Town will vote to amend the Zoning Bylaw by amending Sections 2.1, 2.2, 7.12, and 11.0 as proposed below, or to take any other action relative thereto.

Purpose of the Amendment: This amendment is a housekeeping action; it is needed to ensure the list of zoning districts and applicable regulations and definitions accurately reflect amendments that were previously enacted by Town Meeting.

Proposed deletions are ~~struck through~~.
Proposed additions are underlined.

Amend Sections 2.1 and 2.2 as follows:

2.1 ESTABLISHMENT

For the purpose of this Bylaw, the Town of Great Barrington is hereby divided into the following districts:

2.1.1 Residential Districts.

- R1A ~~One Family~~ Medium-Density Residential
- R1B ~~One Family~~ High-Density Residential
- R2 Acreage Residential
- R3 General Residential
- R4 Large Acreage Residential

2.1.2 Business Districts.

- B Downtown Business
- B1 Neighborhood Business
- B2 General Business
- B2A Transitional Business
- B3 Downtown Business Mixed Use
- ~~DBP~~ ~~Downtown Business Parking~~
- HVC Housatonic Village Center

2.1.3 Industrial Districts.

- I Light Industry
- I2 Industrial Manufacturing / Multi-family

2.2 OVERLAY DISTRICTS

The following overlay districts are also established:

- FPOD Floodplain Overlay District
- WQPOD Water Quality Protection Overlay District
- WTOD Wireless Telecommunications Overlay District
- VCOD Village Center Overlay District
- DBP Downtown Business Parking District

HMROD Housatonic Mills Revitalization Overlay District
HVOD Housatonic Village Overlay District

Amend 7.12.1 by deleting B1, as follows:

7.12.1 General. In the ~~B1~~, B2, B3, I, and I2 Districts, a new or enlarged large-scale development may be allowed by special permit, and in the B District is allowed by right, up to a maximum gross floor area of 50,000 square feet. This use may be in one or more buildings on the same lot, and may consist of one or more retail and/or wholesale uses and related businesses such as restaurants, banks and offices. Uses greater than 50,000 square feet are not permitted except as provided herein.

Amend Section 11.0, Definitions, as follows:

MIXED USE: A combination of uses in a building or on a lot ~~in the Business Zones (B, B1, B2, B2A, B3, I, and I2) that includes~~ where one of the uses is a residential use.

Article : **Reconstruction after Catastrophe or Demolition**

To see of the Town will vote to amend the Zoning Bylaw by amending Section 5.7 as proposed below, or to take any other action relative thereto.

Purpose of the proposal: By removing the words “single family” from the introductory text of Section 5.7, this amendment would allow any legally nonconforming structure, whether a residential or other use, to be reconstructed after demolition or catastrophe, in accordance with certain provisions of Section 5.7. Currently the zoning bylaw extends this relief only to single family residences.

Proposed deletions are ~~struck through~~.
Proposed additions are underlined.

5.7 RECONSTRUCTION AFTER CATASTROPHE OR DEMOLITION

A nonconforming ~~single family~~ structure may be reconstructed after a catastrophe or after voluntary demolition in accordance with the following provisions. For the purposes of this subsection, the term “reconstruction” shall mean the rebuilding after catastrophe or the rebuilding after demolition of the building.

5.7.1 Reconstruction of said premises shall commence within two years after such catastrophe or demolition.

5.7.2 Building(s) may be reconstructed by right if located ~~on~~ within the same footprint as the original nonconforming structure, and if ~~only within the same~~ they do not exceed the gross floor area as of the original nonconforming structure.

5.7.3 In the event that the proposed reconstruction would (a) cause the structure to exceed the gross floor area of the original nonconforming structure or (b) cause the structure to be located other than on the original footprint, a special permit pursuant to Section 10.4 shall be required from the Board of Appeals prior to such demolition.

Article : **Accessory Dwelling Units**

To see of the Town will vote to amend the Zoning Bylaw by amending Section 8.2.2 as proposed below, or to take any other action relative thereto.

Purpose of the proposal: Pursuant to amendments approved by Town Meeting in 2014, Accessory Dwelling Units (ADUs) are allowed by-right in any zone, but are subject to Planning Board Site Plan Review. Currently, ADU applicants must notify all abutters, which is a notification requirement typically reserved for proposals that require Special Permits. In fact, no other by-right uses subject to Site Plan Review require notification of abutters. Since ADUs are by definition small accessory uses, they have fewer occupants, less parking requirements, and overall less impact on the neighborhood.

Proposed deletions are ~~struck through~~.
Proposed additions are underlined.

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. ~~Abutters within 300 feet of the applicant's property must be notified in writing by certified mail by the applicant that the ADU is being proposed and that the Planning Board will be conducting a site plan review at a given place, time and date. Said notice shall be mailed not later than ten days prior to the site plan review meeting. The Applicant shall provide proof of mailing to the Planning Board.~~The Board of Health shall give its approval prior to the issuance of a building permit.

Article : **Hotel Room Limit in the B2A Zone**

To see of the Town will vote to amend the Zoning Bylaw by deleting from Section 7.10.2 item #2, and to renumber the subsection accordingly, or to take any other action relative thereto.

Purpose of the proposal: Currently the room limit in the B2A zone, which consists of only one commercial property, is 30 rooms. This amendment would bring the room limit of the B2A zone up to 45 rooms, the same as any other zone where hotels and motels may be permitted. Hotels and motels would still be allowed only by special permit.

Proposed deletions are ~~struck through~~.
Proposed additions are underlined.

7.10.2 Room Limits.

1. No hotel or motel shall contain more than 45 rental rooms.

~~2. The limit in District B2A shall be 30 rental rooms.~~

3-2. The Special Permit Granting Authority may authorize a deviation from the room limits above when hotels and motels are proposed as a component of a project that redevelops or reuses historic structures. Said structures are those listed on the State or National Register of Historic Places, a designated property in a Local Historic District, or determined in writing by the Great Barrington Historical Commission as historically, culturally, or architecturally significant to the town. *[added 5/5/2014 ATM]*

Article : **Multi-Family Residential Uses**

To see of the Town will vote to amend the Zoning Bylaw by amending Section 3.1.4, Table of Use Regulations, as follows, or to take any action relative thereto.

Purpose of the proposal: This amendment would distinguish between smaller scale and larger scale multifamily uses. It would also provide an opportunity for smaller scale multi-family residential uses in dense residential areas near our village centers. This amendment provides a path for existing nonconforming small scale multi-family residential properties to come into conformance with the zoning bylaw and, in so doing, would allow the issuance of a building permit for much need improvements. It would not allow large scale developments in these dense residential areas. Currently, any residential use containing three or more units is defined as a multifamily. Multifamily uses, regardless of size, are all regulated in the same way. There is a significant difference, however, between a 4-unit multifamily dwelling and a 10-unit multifamily dwelling requiring different concerns to be addressed.

Proposed deletions are ~~struck through~~.
 Proposed additions are underlined.

Permitted Use		ZONING DISTRICT ^{1,4}														ADDITIONAL APPLICABLE REGULATIONS	
		R1A	R1B	R2	R3	R4	B	HVC	B1	B2	B2A	B3	MXD	I	I2		
A. Residential uses																	
(3)	Dwelling, multifamily																
	<u>3 to 8 units</u>	<u>SB</u>	<u>SB</u>	<u>SB</u>	<u>SB</u>	<u>N</u>	<u>SB</u>	<u>SB</u>	<u>SB</u>	<u>SB</u>	<u>SB</u>	<u>SB</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>SB</u>	See also 8.3
	<u>9 units or more</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>SB</u>	<u>N</u>	<u>SB</u>	<u>SB</u>	<u>N</u>	<u>SB</u>	<u>SB</u>	<u>SB</u>	<u>Y</u>	<u>SB</u>	<u>N</u>	<u>SB</u>	See also 8.3

Article : **Helipads for Emergency Use**

To see of the Town will vote to amend Section 11.0 of the Zoning Bylaw by adding helipads to the definition of Hospitals, as follows, or to take any action relative thereto.

Purpose of the proposal: This amendment to the definition of Hospital would allow a helipad for emergency use to be co-located with a hospital. Currently helicopters responding to emergencies at the hospital must land at the Great Barrington Airport, a 2.75 mile drive from the hospital. The back and forth transportation this requires adds thirty minutes or more to an emergency evacuation.

Proposed deletions are ~~struck through~~.
Proposed additions are underlined.

HOSPITAL: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, and other physical or mental conditions and including, as an integral part of the institution, related facilities, including laboratories, outpatient facilities, training facilities, medical offices, helipad for emergency use, and staff residences.

Article : **South Main Street Mixed Use Zone**

To see if the Town will vote to amend the Zoning Bylaw by adding a new Section 9.11, Mixed Use Transitional Zone (MXD), and by revising the following: Section 3.1.4, Table of Use Regulations to provide for uses in the MXD zones, Section 4.1.2, Schedule of Dimensional Requirements to add provisions for the MXD zones, Section 8.4.1 to clarify applicability of mixed-use requirements in MXD zones, and the Zoning Map accordingly, as shown below, or to take any other action relative thereto.

Purpose of the proposal: This amendment is proposed pursuant to the recommendations of the 2013 Master Plan to update the zoning in certain commercial areas within walking distance of a village center, to preserve and enhance the mix of residential and retail uses, and to reflect the context of the built fabric. This amendment would affect the area of Main Street south of the Village Center Overlay District (VCOD) and north of the Fairgrounds, including Maple Avenue from Main Street west to the railroad tracks, including Pope, Mahaiwe, and Manville Streets, and a portion of Silver Street.

This area is characterized by a mix of residential and commercial uses, often in structures predating zoning, on lots of smaller size, with many of the structures close to the front lot line. As desirable as these characteristics may be, many are not allowed under the current B2 zoning. In this area, over one-third of the parcels have deficient frontage and deficient lot size, nearly three-quarters have deficient front yard setback, and over one-third have deficient side yard setbacks under the existing zoning.

The proposed Mixed Use Transitional Zone (MXD) zone will replace the existing B2 zone in the affected areas. The current B2 zone allows commercial retail uses at sizes up to twice as big as currently exists. Conversely, it restricts residential uses to properties of one-half acre or more; in existing residential neighborhoods like Manville Street, most properties are nonconforming. The B2 zone also restricts multi-family residential development and mixed uses, which exist today and which are efficient land uses that should be encouraged within walking distance of the downtown core. Finally, the B2 zone designed as a highway commercial zone mandates large front yard setbacks that are not in keeping with the existing form of these corridors, where structures are located at or near the street line and parking is generally in the rear or side yard.

The new MXD zone will:

- Replace the B2 zone for the affected area.
- Bring most nonconforming lots and structures into conformance and encourage development to reflect the existing scale and setback patterns.
- Allow for mixed-use and live-work use of properties by right.
- Allow multi-family residential use by right up to 8 units, and 9 or more dwelling units by special permit.
- Cap by-right retail uses at 9,000 gross square feet, but allow retail up to 20,000 gross square feet by Special Permit from the Selectboard.
- Reduce parking requirements to encourage mixed uses, shared parking, and a pedestrian friendly environment.

Proposed additions are underlined.

Proposed deletions are ~~struck through~~.

9.11 Mixed Use Transitional Zone (MXD)

9.11.1 Purpose. The Mixed Use Transitional (MXD) zoning district is hereby established to preserve and enhance the mix of residential and retail uses, to maintain the existing character of the area, and to bring existing uses and structures more into compliance with zoning thereby facilitating a variety of business and housing opportunities within walking distance of the downtown core.

9.11.2 Location. The MXD shall consist of the land shown on the 2015 Town of Great Barrington Assessors' Map 22 as Parcels 2, 3A, 4-13, 18-63, 66-88, 88A, and on Map 25 as Parcels 1-4.

9.11.3 Permitted Uses. Permitted uses in the MXD are set forth in Section 3.1.4, the Table of Use Regulations.

9.11.4 Dimensional Requirements. Minimum setback and dimensional requirements for the MXD shall be as set forth in Section 4.1.2, Schedule of Dimensional Requirements, except as follows:

1. Existing structures, or those for which valid building permits have been issued, as of May 9, 2016, with front, side, and rear setbacks that do not meet the requirements herein shall be permitted to maintain those setbacks.
2. Maximum front yard: New structures shall not be set back more than the average of the front yard setbacks of existing buildings on the abutting lots on either side. For averaging purposes, if a vacant lot exists on one side of a lot, the minimum front yard set forth in the Schedule of Dimensional Requirements shall be considered the front yard setback for the vacant lot.
3. No new nonconformity may be created except as may be permitted in accordance with Section 5 of this Zoning Bylaw.

9.11.5 Parking. The off-street parking requirements in Section 6.1 shall not apply in the MXD except as provided in this section. Off-street parking requirements in the MXD shall be as follows:

1. For new buildings, required off-street parking spaces shall not be located within the front yard area.
2. Only one space shall be required for any dwelling unit, whether in residential-only or in mixed-use buildings.
3. For permitted uses in existing buildings that are not substantially expanded, the existing parking spaces shall be retained, but no new spaces shall be required. A substantial expansion is defined, for the purpose of this section, as one which involves increasing the gross floor area of a structure by more than 25% or 500 square feet, whichever is less.
4. For permitted uses in new buildings or existing buildings that are substantially expanded, as defined in this section, or for any building greater than 5,000 square feet gross floor area, parking is required as follows:
 - (a) one parking space shall be required for each dwelling unit;
 - (b) the parking requirements for business or industrial uses in Section 6.1.2 through 6.1.6 shall be calculated as follows: the sum of the required parking for each use multiplied by 0.5 with the product rounded down to the nearest whole number, plus handicapped parking as may be required by law or building code (Example: 3 spaces required for retail, 4 spaces required for offices: (3 + 4) x 0.5 = 3.5, so 3 spaces, + 1 handicapped space, = 4 spaces are required); and
5. The parking requirements of this section may be waived if the SPGA grants a special permit pursuant to section 6.1.9.

And, amend Section 4.1.2, the Schedule of Dimensional Requirements by adding a new row for the Mixed Use Transitional (MXD) zoning district and footnote 13 as follows (additions are underlined):

District	Minimum lot area (sq. ft.)	Width (ft.)	Minimum front yard ¹ (ft.)	Minimum side yard (ft.)	Minimum rear yard (ft.)	Maximum lot coverage by buildings (percent)	Stories ^{2,6}	Height (ft.) ^{2,6}
<u>MXD</u> ¹³	<u>5,000</u>	<u>50</u>	<u>15</u>	<u>10</u>	<u>10</u>	<u>75</u>	<u>3 ½</u>	<u>40</u>

¹³ For existing structures in the MXD, minimum yard requirement shall be the lesser of that which exists as of May 9, 2016, or as set forth herein. See also Section 9.11.4.

And, amend Section 8.3.6 as follows (additions are underlined):

8.3.6 Exemptions in Downtown B District, 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 or the MXD District. Requirements 1. and 2. of section 8.3.3 shall not apply to any multifamily dwelling within the General Business B2 District. Requirements 1-4 of section 8.3.3 shall not apply to any multifamily development in the MXD District.

And, amend Section 8.4.1 and 8.4.2 as follows (additions are underlined):

8.4.1 General: For mixed uses in the B, B2, I, and I2 Zones, all of the following requirements shall apply. For mixed uses in the B3 Zone, see Section 9.4. For mixed uses in MXD zones, see Section 9.11.

8.4.2 Requirements.

1. When residential use is combined with other nonresidential permitted uses, the controlling dimensional requirements shall be the less restrictive.
2. ~~A minimum of 75% of street level floor space shall be reserved for nonresidential use. Outside the Village Center Overlay District, the SPGA may reduce this requirement to a minimum of 50%. A portion of the street level floor space shall be reserved for nonresidential use. Inside the Village Center Overlay District, this portion shall be a minimum of 75%.~~

And, amend Section 2.1.2 to add the MXD, Mixed Use Transitional Zone, to the list of Business Districts;

2.1.2 Business Districts.

- B Downtown Business
- B1 Neighborhood Business
- B2 General Business
- B2A Transitional Business
- B3 Downtown Business Mixed Use
- HVC Housatonic Village Center
- MXD Mixed Use Transitional

Amend Section 3.1.4, the Table of Use Regulations by adding a new column for the MXD zone and by amending footnote #5, as follows (additions are underlined and the column is highlighted in yellow for clarity):

Permitted Use		ZONING DISTRICT ^{1,4}														ADDITIONAL APPLICABLE REGULATIONS
		R1A	R1B	R2	R3	R4	B	HVC	B1	B2	B2A	B3	<u>MXD</u>	I	I2	
A. Residential uses																
(1)	Dwelling, Single family	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	SB	SB	
(2)	Dwelling, Two-family	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	<u>Y²</u>	Y ²	Y ²	See also <u>8.1</u> , <u>8.7</u>
(3)	Dwelling, multifamily	N	N	N	SB	N	SB	SB	SB	SB	SB	Y	<u>SB</u>	SB ³	SB ³	See also <u>8.3</u>
(4)	Assisted living residence	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	<u>PB</u>	PB	PB	See also <u>8.8</u>

Permitted Use		ZONING DISTRICT ^{1,4}														ADDITIONAL APPLICABLE REGULATIONS
		R1A	R1B	R2	R3	R4	B	HVC	B1	B2	B2A	B3	MXD	I	I2	
(5)	Live/work units	N	N	N	N	N	N	Y	N	N	N	Y	<u>Y</u>	Y	Y	See also 9.4 , 9.6 .
(6)	Lodging house or tourist home for transient guests	SB	SB	SB	SB	SB	SB	SB	N	SB	SB	SB	<u>SB</u>	SB	SB	See also 7.16
(7)	Mixed use	N	N	N	N	N	SB	Y	SB	SB	SB	SB	<u>Y</u>	Y	Y	See also 8.4 , 9.6 .
(8)	Open Space Residential Development	N	N	PB	N	PB	N	N	N	N	N	N	<u>N</u>	N	N	See also 8.7
(9)	Planned unit residential development (PURD)	SB	SB	SB	SB	SB	SB	N	N	SB	SB	SB	<u>SB</u>	N	N	See also 8.5
(10)	Publicly Financed Nonprofit Age-Restricted Housing	N	N	N	SB	N	SB	SB	N	SB	SB	SB	<u>SB</u>	N	N	See also 8.9
(11)	Trailer or mobile home	SB	SB	SB	SB	SB	SB	N	SB	SB	SB	N	<u>N</u>	SB	SB	See also 8.6
B. Community, educational, & recreational uses																
(1)	Camping facilities	N	N	SB	N	SB	N	N	N	N	SB	N	<u>N</u>	N	N	See also 7.4
(2)	Cemeteries	N	N	SB	N	SB	N	N	N	N	N	N	<u>N</u>	N	N	
(3)	Child care center	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	
(4)	Clubhouses or fraternal lodges not conducted for profit	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	<u>SB</u>	SB	SB	
(5)	Commercial amusements, fairgrounds	N	N	N	N	N	SB	SB	N	SB	N	N	<u>SB</u>	SB	SB	
(6)	Community center operated by a municipal or private not-for-profit organization	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	<u>SB</u>	SB	SB	
(7)	Educational use, exempt	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	
(8)	Educational use, nonexempt	N	N	SB	N	SB	SB	SB	N	SB	SB	SB	<u>SB</u>	SB	SB	See also 7.6
(9)	Golf or country clubs	N	N	SB	N	SB	N	N	N	N	SB	N	<u>N</u>	SB	SB	
(10)	Hospitals, sanitariums, nursing or convalescent homes or philanthropic institutions, provided that no principal building so used shall be within 50 feet of any lot line	N	N	SB	N	SB	SB	SB	N	SB	SB	SB	<u>SB</u>	SB	SB	
(11)	Municipal parks and playgrounds, including recreational buildings therein	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	
(12)	Public libraries, public museums, municipal buildings and facilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	
(13)	Riding stables on less than 5 acres, provided that any buildings or structures are set back not less than 50 feet from any lot line	N	N	SB	N	SB	SB	N	N	SB	SB	N	<u>N</u>	SB	SB	
(14)	Ski tows, provided that any buildings or structures are set back not less than 50 feet from any lot line	N	N	SB	N	SB	SB	N	N	SB	N	N	<u>N</u>	SB	SB	
(15)	Summer camps operated for children on sites not less than 10 acres in area	N	N	SB	N	SB	N	N	N	N	SB	N	<u>N</u>	N	N	

Permitted Use		ZONING DISTRICT ^{1,4}														ADDITIONAL APPLICABLE REGULATIONS
		R1A	R1B	R2	R3	R4	B	HVC	B1	B2	B2A	B3	<u>MXD</u>	I	I2	
(16)	Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	
C. Office, retail and consumer service establishments																
(1)	Banks and other financial institutions	N	N	N	N	N	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	
(2)	Fast-food eating establishments	N	N	N	N	N	SB	SB	N	SB	N	N	<u>SB</u>	N	N	See also 7.7 , 7.9
(3)	Fuel storage and sales, excluding motor vehicle fuel stations	N	N	N	N	N	SB	N	N	SB	N	N	<u>SB</u>	SB	SB	
(4)	Garages, public	N	N	N	N	N	SB	SB	N	SB	N	SB	<u>SB</u>	SB	SB	See also 9.7
(5)	Garden centers, including associated landscaping services	N	N	N	N	N	Y	Y	N	Y	Y	Y	<u>Y</u>	Y	Y	
(6)	General service establishment	N	N	N	N	N	SB	Y	N	Y	N	SB	<u>Y</u>	Y	Y	
(7)	Greenhouses, commercial, on less than 5 acres, provided that no heating plant for a greenhouse shall be within 50 feet from any side or rear lot line	N	N	Y	N	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	
(8)	Hotels	N	N	N	N	N	SB	SB	N	SB	SB	SB	<u>SB</u>	SB	SB	See also 7.10
(9)	Institutional administrative offices or planned professional office developments or research centers, provided that in R2 & R4 Districts such uses are subject to special requirements	N	N	SB	N	SB	SB	SB	SB	SB	SB	SB	<u>SB</u>	SB	SB	See also 7.13
(10)	Kennel	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	<u>SB</u>	SB	SB	See also 7.17
(11)	Large-scale commercial development	N	N	N	N	N	Y	SB	SB	SB	N	SB	<u>N</u>	SB	SB	See also 7.9 , 7.12 , 9.6
(12)	Lumberyards	N	N	N	N	N	SB	N	N	SB	N	SB	<u>SB</u>	SB	SB	
(13)	Motels or overnight cabins	N	N	N	N	N	SB	SB	N	SB	N	SB	<u>SB</u>	SB	SB	See also 7.10
(14)	Motor vehicle fuel station	N	N	N	N	N	SB	SB	N	SB	N	N	<u>SB</u>	SB	SB	See also 7.8
(15)	Motor vehicle general and body repair	N	N	N	N	N	SB	SB	N	SB	N	N	<u>SB</u>	SB	SB	
(16)	Motor vehicle sales rooms, including used car lots	N	N	N	N	N	SB	SB	N	SB	N	N	<u>SB</u>	SB	SB	
(17)	Offices	N	N	N	N	N	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	
(18)	Parking lots, commercial	N	N	N	N	N	SB	SB	N	SB	N	SB	<u>SB</u>	SB	SB	
(19)	Personal service establishment	N	N	N	N	N	Y	Y	Y	Y	N	Y	<u>Y</u>	Y	Y	
(20)	Professional offices	SB	SB	SB	SB	SB	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	See also 7.14
(21)	Registered Marijuana Dispensary	N	N	N	N	N	N	N	N	Y	N	Y	<u>N</u>	Y	Y	See also 7.18
(22)	Restaurants and other places for serving food, other than fast-food eating establishments	N	N	N	N	N	Y	SB ⁴	SB	SB	SB	SB	<u>SB</u>	SB	SB	See also 7.3 See also footnote 4 , below

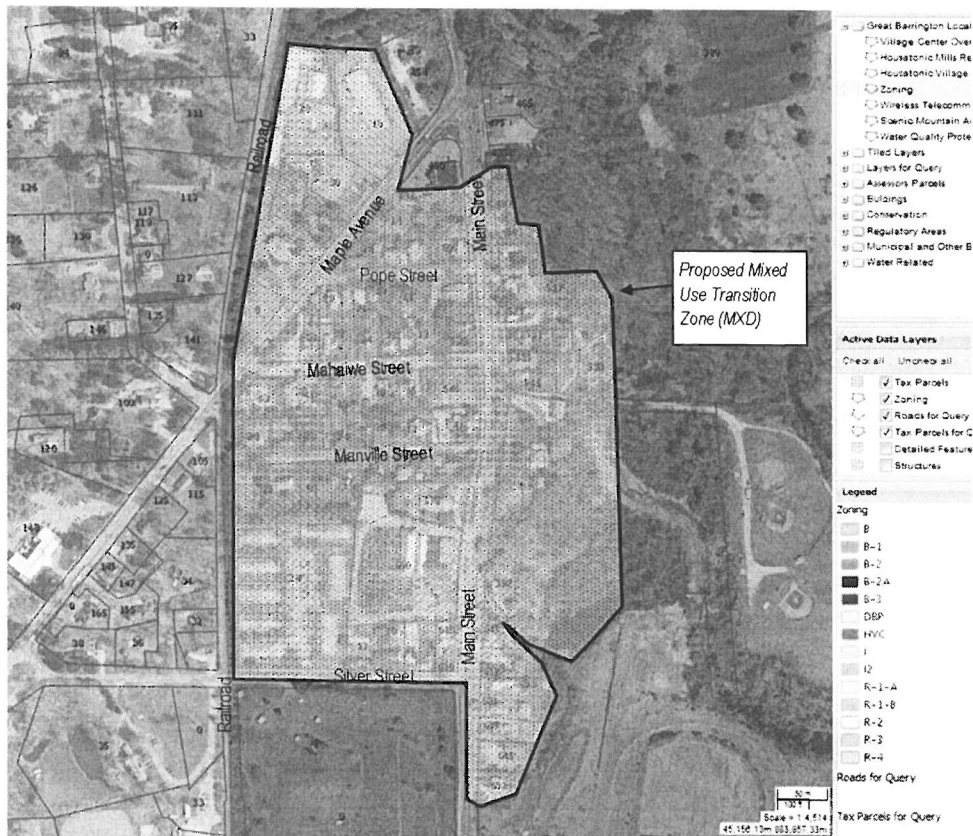
Permitted Use		ZONING DISTRICT ^{1,4}														ADDITIONAL APPLICABLE REGULATIONS
		R1A	R1B	R2	R3	R4	B	HVC	B1	B2	B2A	B3	MXD	I	I2	
(23)	Retail stores or centers and/or wholesale sales and service with total aggregate floor area less than or equal to 20,000 square feet	N	N	N	N	N	Y	Y ⁵	Y	Y	SB	Y	<u>Y</u> ⁵	Y	Y	See also <u>7.3</u> See also footnote 5, below.
(24)	Retail stores and shops for custom work or making of articles sold on the premises	N	N	N	N	N	Y	Y	SB	Y	SB	Y	<u>Y</u>	Y	Y	
D. Agricultural uses																
(1)	Agriculture, as defined by MGL c. 40A, s. 3, on tracts larger than 5 acres, including sales of products raised on premises on stands or structures erected in accordance with front yard setback requirements, provided that soil fertilizer shall be stored not less than 100 feet from any lot line, unless kept in air-tight containers	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	
E. Utilities, communication and transportation																
(1)	Aviation field, public or private	N	N	N	N	SB	N	N	N	N	N	N	<u>N</u>	N	N	See also <u>7.2</u>
(2)	Essential services	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	
(3)	Freight terminals, truck or rail	N	N	N	N	N	SB	N	N	SB	N	N	<u>SB</u>	SB	SB	
(4)	Low-power FM broadcast radio licensed by FCC															See also <u>7.15</u>
(a)	Studio	N	N	N	N	N	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	
(b)	Antenna	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	<u>SB</u>	SB	SB	
(5)	Passenger stations	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	<u>SB</u>	SB	SB	
(6)	Personal wireless tower or structure as a principal (or accessory) use in the Overlay District, and the initial and any subsequent personal wireless service facility located upon that tower or structure (see Section 9.3 of this Bylaw)															See also <u>9.3</u>
F. Industrial, manufacturing and storage uses																
(1)	Contractor's and Landscaper's yards	N	N	N	N	N	N	N	N	N	N	N	<u>SB</u>	Y	Y	
(2)	Gravel, loam, sand and stone removal for commercial purposes	N	N	SB	N	SB	SB	N	N	SB	N	N	<u>N</u>	SB	SB	See also <u>7.5</u>
(3)	Light manufacturing	N	N	N	N	N	N	SB	N	N	N	SB	<u>SB</u>	Y	Y	See also <u>6.4</u>
(4)	Saw (log) mill and manufacture of forest products, provided that any saw (log) mill shall be located at least 200 feet from any lot line, and no	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>	SB	SB	

Permitted Use		ZONING DISTRICT ^{1,4}														ADDITIONAL APPLICABLE REGULATIONS	
		R1A	R1B	R2	R3	R4	B	HVC	B1	B2	B2A	B3	MXD	I	I2		
	piles of sawdust or other refuse shall be maintained within 100 feet of any lot line																
G Accessory uses																	
(1)	Any structure or use customarily incidental and subordinate to the principal permitted use in the district	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	See also 3.2 , 7.1
(2)	Home occupation (low impact)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	See also 3.3
(3)	Adult day care	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	See also 8.8
(4)	An accessory use to a by-right use, whether or not on the same parcel, which is necessary in conjunction with scientific research or development or related production, provided that the Board of Selectmen finds that the proposed accessory use does not substantially derogate from the public good	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	See also 3.2
(5)	Drive-up or drive-through facilities	N	N	N	N	N	SB	N	SB	SB	SB	SB	SB	SB	SB	SB	See also 7.9 , 9.6
(6)	Family day care (small)	Y	Y	Y	Y	Y	SB	Y	SB	SB	SB	SB	SB	SB	SB	SB	
(7)	Family day care (large)	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	
(8)	Home occupation (moderate impact)	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	See also 3.3
(9)	Incidental stripping of sod or removal of topsoil, gravel, loam, sand, stone or other earth materials	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
(10)	Keeping of horses, for whatever purpose, subject to Board of Health regulations and only on lots of 5 acres or more	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
(11)	Private garage or off-street parking for private automobiles registered at the premises	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
(12)	Swimming pools, inground or aboveground. Pool must be surrounded by a continuous fence having a minimum of 4 feet height and with a gate that can be locked; so designed and built to restrain entry by unauthorized persons.	Y	Y	Y	Y	Y	SB	Y	SB	SB	SB	SB	SB	SB	SB	SB	
(13)	Wind Energy Generator	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	

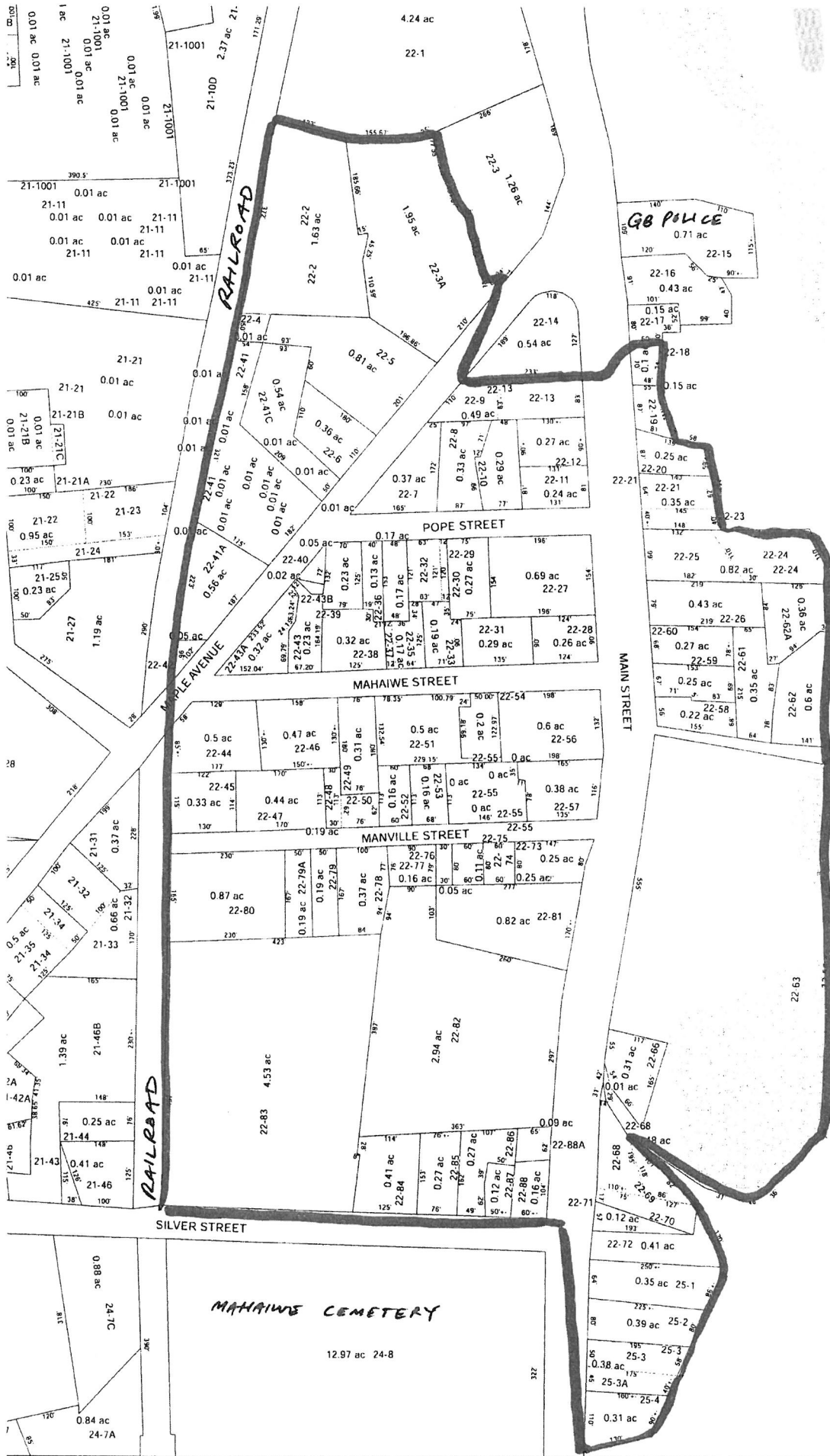
⁵ NOTE: In the B1 and HVC zones, wholesale sales and service facilities as well as retail stores are permitted by right up to 6,500 gross square feet (GSF). Such uses may also be permitted by special permit from the Select Board up to 10,000 GSF in the B1 and HVC zones. Such uses greater than 10,000 GSF are prohibited in the B1 zone. Retail stores up to 20,000 GSF in the HVC

may be allowed by special permit from the Select Board, however, if the use is proposed as a component of a project that redevelops or reuses historic structures. Said structures are those listed on the State or National Register of Historic Places, a designated property in a Local Historic District, or determined in writing by the Great Barrington Historical Commission as historically, culturally, or architecturally significant to the Town. In the MXD zones, retail stores and wholesale sales and service facilities are permitted by right up to 9,000 GSF, and by special permit from the Selectboard up to 20,000 GSF.

And, amend the Zoning Map accordingly (illustrated below):



2016 TOWN MEETING PROPOSED MXD ZONE



Article : **Water Quality Protection District / Stream & Lake Protection Zone**

To see of the Town will vote to amend the Zoning Bylaw by amending Sections 9.2, Water Quality Protection Overlay District (WQPOD), and Section 11.0, Definitions, as follows, or to take any other action relative thereto.

Purpose of the Amendment: This amendment will clean up several typos in the existing text, and it will also remove the Stream and Lake Protection Zone from the regulation.

The town had a stream and lake protection zone in place before the State’s Rivers Protection Act (RPA) came into effect (1996) and before Mass DEP encouraged adoption of a drinking water protection bylaw (WQPOD). In writing this drinking water bylaw, the old language of the stream and lakes protection zone was incorporated, but it was not the focus of the new bylaw.

Today, the RPA regulates activity around streams and rivers, and the Wetlands Protection Act (WPA) regulates activity around lakes and ponds. Furthermore, the local wetland bylaw, town code Ch. 168, which was revised and adopted in 2015 at Town Meeting, includes provisions over and above the RPA and Wetlands Protection Act (WPA).

Since state and local River and Wetland laws are in place, the Stream and Lake section of the zoning bylaw provides little extra protection, while presenting a burden to property owners in the zone. In some cases, the Stream and Lake bylaw actually prohibits, without real purpose, people from using land on which they have paid taxes for many years.

Finally, the Stream and Lake zone is a section routinely set aside by Special Permit since the adoption of the WQPOD. This proposed amendment will remove a burdensome law, which is routinely overridden, and which provides little protection for our streams and lakes.

These amendments in no way remove protection for drinking water sources.

Proposed additions are underlined
Proposed deletions are ~~struck through~~

To amend the Zoning Bylaw and Zoning Map as follows and renumber the bylaw accordingly:

9.2 WATER QUALITY PROTECTION OVERLAY DISTRICT (WQPOD)

9.2.1 Purpose. Water Quality Protection Overlay Districts (WQPOD) are established in the Town of Great Barrington for the following purposes:

- ~~1. To preserve and protect the lakes, ponds, streams, brooks, rills, marshes, swamps, bogs and other water bodies and watercourses in the town.~~
- ~~2-1.~~ 2-1. To protect, preserve and maintain the water supplies and water recharge areas within the town, so as to preserve present and potential sources of groundwater and surface water supply for the public health and safety.
- ~~3-2.~~ 3-2. To protect the community from the detrimental use and development of land and waters within the watershed water quality protection district.
- ~~4. To conserve the watershed areas of the Town of Great Barrington for the health, safety, welfare and enjoyment of its people now and for the future.~~

~~5-3.~~ To promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses of the Town of Great Barrington;

~~6-4.~~ To preserve and protect existing and potential sources of drinking water supplies;

~~7.~~ To conserve the natural resources of the Town;

~~8.~~ To conserve as open space a green belt corridor associated with all waterways to preserve wildlife habitat, help maintain wildlife populations, and encourage passive recreational uses where legally permitted.

9.2.2 Overlay District. The WQPOD is an overlay district superimposed on the other zoning districts. This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Uses in the underlying zoning districts that fall within the WQPOD must additionally comply with the requirements of this district. Uses prohibited in the underlying zoning districts shall not be permitted in the WQPOD. In the case of a conflict between two provisions of this section, the more restrictive shall apply.

9.2.3 Definitions. For the purposes of this Section, the terms defined in Section 11, "Water Quality Protection Overlay District" shall apply.

9.2.4 Establishment and Delineation. For the purposes of this district, there are hereby established within the Town certain WQPODs, consisting of surface water supplies, their watersheds and tributaries, and wellheads and their aquifers or recharge areas, which are delineated on a map, ~~and the Stream and Lake Protection Zone.~~ This map is at a scale of one inch to 2,000 feet and is entitled "Water Quality Protection District Map, Town of Great Barrington," dated May 15, 2006. This map is hereby made a part of the Zoning Bylaw and is on file in the Office of the Town Clerk.

9.2.5 District Boundary Disputes.

1. If the location of the district boundary in relation to a particular parcel is in doubt, resolution of boundary disputes shall be through a special permit application to the special permit granting authority (SPGA). Any application for a special permit for this purpose shall be accompanied by adequate documentation.

2. The burden of proof shall be upon the owner(s) of the land to show where the bounds should be located. At the request of the owner(s), the Town may engage a professional engineer, surveyor, hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the district with respect to individual parcels of land, and may charge the owner(s) for the cost of the investigation.

3. The determination of the location and extent of Zone II and Zone B shall be in conformance with the criteria set forth in 310 CMR 22.00 and in the Massachusetts DEP's Guidelines and Policies for Public Water Systems.

9.2.6 Permitted Uses; Zone A and Zone I. Only uses related to the operation and maintenance of the public water supply are permitted in the Zone A and Zone I (the Inner Zone) defined in 310 Code of Massachusetts Regulations 22.00. Any other use in Zone A or Zone I is hereby prohibited.

9.2.7 Permitted Uses; Other Zones. The following uses are permitted within the other zones of the WQPOD, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:

1. Conservation of soil, water, plants, and wildlife;

2. Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted; no motorized recreational vehicles including, but not limited to, snowmobiles, all-terrain vehicles (ATV's), and dirt bikes, shall be permitted in the Inner Zone;
3. Foot, bicycle and/or horse paths, and bridges (Horse paths are not permitted in Zone A.);
4. Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
5. Maintenance, repair, and enlargement of any existing structure, subject to other requirements herein;
6. ~~Residential development~~ Any use permitted in the underlying Zoning District, subject to other requirements herein;
7. Farming, gardening, nursery, conservation, forestry, harvesting, and grazing, subject to other requirements herein;
8. Construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels;
9. Underground storage tanks related to the permitted activities are not categorically permitted.

9.2.8 Prohibited Uses. The following uses are prohibited within the WQPOD:

1. Landfills and open dumps as defined in 310 CMR 19.006;
2. Automobile graveyards and junkyards, as defined in G.L. c. 140B, s. 1;
3. Landfills receiving only wastewater and/or septage residuals including those approved by the DEP pursuant to G.L. c. 21, ss. 26 through 53; G.L. c. 111, s. 17; G.L. c. 83, ss. 6 and 7, and regulations promulgated thereunder;
4. Facilities that generate, treat, store, or dispose of hazardous waste that are subject to G.L. c. 21C and 310 CMR 30.00, except for:
 - a. Very small quantity generators as defined under 310 CMR 30.000;
 - b. Household hazardous waste centers and events operated in accordance with 310 CMR 30.390 (not permitted in Zone A);
 - c. Waste oil retention facilities required by G.L. c. 21, s. 52A (not permitted in Zone A);
5. Water remediation treatment works unless approved by DEP for the treatment of contaminated groundwater or surface water;
6. Petroleum, fuel oil, and heating oil bulk stations and terminals, including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5983 and 5171 as established by the United States Office of Management and Budget, not including liquefied petroleum gas;
7. Storage of liquid hazardous materials, as defined in G.L. c. 21E, and/or liquid petroleum products unless such storage is:
 - a. Above ground level; and
 - b. On an impervious surface; and

c. Either: In container(s) or aboveground tank(s) within a building; or: Outdoors in covered container(s) or aboveground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater.

8. Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;

9. Storage of sodium chloride, calcium chloride, chemically treated abrasives or other deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate (Uncovered storage of salt in water supply areas is forbidden by G.L. c. 85, s. 7A.);

10. Storage of animal manure unless covered or contained within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

11. Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material to within four feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, or utility works; all sand and gravel excavation operations are prohibited in Zone A;

12. Discharge to the ground of nonsanitary wastewater including industrial and commercial process wastewater, except:

a. The replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;

b. Treatment works approved by the DEP designed for the treatment of contaminated ground- or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13); and

c. Publicly owned treatment works.

13. Stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside the District;

14. Storage of commercial fertilizers and soil conditioners, as defined in G.L. c. 128, s. 64, or pesticides, as defined in G.L. c. 132B, s. 2, unless such storage is within a structure, with an impermeable cover and an Environmental Protection Agency-approved liner, designed to prevent the generation and escape of contaminated runoff or leachate; in no case shall such structure be located within 400 feet of a surface drinking water source or public water system wellhead;

~~15. On-site subsurface sewage disposal systems subject to 310 CMR 15, other than replacement systems, that discharge more than 440 gallons per acre per day.~~

~~**9.2.9 Prohibited Uses; Stream and Lake Protection Zone.** In addition to the above prohibited uses, the following uses are prohibited in the Stream and Lake Protection Zone, defined in Section 11 of this Bylaw:~~

~~1. New structures or expansion of existing structures by more than 10% of the existing gross floor area. For exceptions see 9.2.14.1.~~

~~2. Leaching fields for new, nonreplacement, on-site subsurface sewage disposal systems. For exceptions see 9.2.14.1.~~

9.2.409 Prohibited Uses; Inner Zone. The following uses may be permitted in the Outer Zone, but are expressly prohibited in the Inner Zone:

1. New or expanded underground storage tanks (310 CMR 22.20B);
2. Motor vehicle repair operations;
3. Cemeteries (human and animal) and mausoleums;
4. Solid waste combustion facilities or handling facilities as defined in 310 CMR 16.00;
5. Land uses that result in the rendering impervious of more than 15%, or more than 20% with artificial recharge, or 2,500 square feet of any lot, whichever is greater; and
6. Commercial outdoor washing of vehicles, commercial car washes.

9.2.410 Design Requirements. Where premises being developed lie partially outside of the Water Quality Protection District, potential pollution sources, such as the leaching field of an on-site subsurface sewage disposal system, shall be located outside of the district, unless the applicant demonstrates to the satisfaction of the Board of Health that such location is not feasible.

9.2.4211 Nonconforming Uses. Continuation of a legally preexisting nonconforming use shall be allowed, provided that:

1. The nonconformity shall not be increased or expanded.
2. The replacement of any underground fuel storage tanks shall conform to the following:
 - a. The total capacity of the replaced tanks shall not be exceeded.
 - b. The replacement tanks shall be of noncorroding, double-walled construction and shall conform to all applicable state and federal regulations in effect at the time of replacement.
 - c. A leak-detection system shall be installed in the void between the walls of the tank. All records of leak tests and/or alarms shall be kept on site and shall be available for inspection by the Building Inspector, Fire Department, Board of Health or any of their authorized agents.
 - d. The replacement tanks and piping shall be installed within a secondary containment system that shall conform to all applicable state and federal regulations in effect at the time of the installation.
 - e. All inventory records and tank testing records maintained for fuel oil and chemical storage tanks shall be made available to the Building Inspector, Fire Department, and Board of Health upon request during normal business hours.
 - f. Any application, along with drawings submitted with the application, for a Town permit for the installation, removal, or replacement of underground storage tanks within the Water Quality Protection District shall be forwarded to the Planning Board. The Planning Board shall review the application within 21 days of receipt for conformity with this section. If the Planning Board finds the application does not conform to the requirements of this section, it shall inform the issuing authority who shall withhold such permit until the Planning Board has confirmed in writing that the application conforms to the requirements of this section.

g. Any and all state and federal requirements and permits shall be met and obtained as required, including, specifically, those established or required by 527 CMR 9.00 (Tanks and Containers, Board of Fire Prevention Regulations).

3. The continued operation of a legally preexisting gravel extraction bed shall conform to the following:

a. Excavation shall remain at least four feet above the mean high-water table, as established by data compiled by the United States Geological Survey.

b. The open bed area shall not exceed the existing bed at the effective date of this bylaw or two acres, whichever is less.

c. All areas no longer in active use for a period of one year shall be closed in the following manner:

1. The area shall be graded smooth with a slope not to exceed 10%, raked, and all stones greater than five inches shall be removed.

2. Topsoil shall be added to a depth of at least three inches after compaction.

3. Topsoil shall be compacted, by rolling, to a uniform density.

4. The area shall be seeded, in the recommended manner, with a fast-growing ground cover seed mix recommended by the United States Soil Conservation Service. Reseeding shall be done monthly until the ground cover is fully established.

9.2.4312 Uses and Activities Requiring a Special Permit. The following uses and activities are permitted only upon the issuance of a special permit by the Board of Selectmen (SPGA) under such conditions as it may require:

1. Enlargement or alteration of existing uses that do not conform to the WQPOD;

2. Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying zoning district (except as prohibited hereunder). Such activities shall require a special permit to prevent contamination of groundwater;

3. Any use that will render impervious more than 15% of any lot or parcel or 2,500 square feet, whichever is greater. A system for groundwater recharge must be provided which does not degrade groundwater quality. For nonresidential uses, recharge shall be by stormwater infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. For all nonresidential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner. Special permits for nonresidential uses as described in this subsection are not allowed in the Surface Water Source Protection Zones A and B.

9.2.4413 Procedures for Issuance of Special Permit.

1. The special permit granting authority (SPGA) under this section shall be the Board of Selectmen. Such special permit shall be granted if the SPGA determines, in conjunction with the Board of Health, the Conservation Commission, the Town Engineer/Department of Public Works, and the Planning Board that the intent of this section, as well as its specific criteria, are met. The SPGA shall not grant a special permit under this section unless the petitioner's application

materials include, in the SPGA's opinion, sufficiently detailed, definite, and credible information to support positive findings in relation to the standards given in this section. The SPGA shall document the basis for any departures from the recommendations of the other Town boards or agencies in its decision. ~~The SPGA may grant an exemption from the provisions of 9.2.9 numbers 1. and 2. if it determines that there is no practicable and substantially equivalent economic alternative and that there shall be no significant adverse impact.~~

2. Upon receipt of the special permit application, the SPGA shall transmit one copy to the Planning Board, Board of Health, the Conservation Commission, Town Engineer/Department of Public Works, and Fire District for their written recommendations. Failure to respond in writing within 35 days of receipt shall indicate approval or no desire to comment by the agency. The necessary number of copies of the application shall be furnished by the applicant.

3. The SPGA may grant the required special permit only upon finding that the proposed use meets the following standards, those specified in 9.2.8, and 9.2.9, ~~and 9.2.10~~ and any regulations or guidelines adopted by the SPGA. The proposed use must:

- a. In no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Water Quality Protection District; and
- b. Be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.

4. All special permit applications shall comply with Section 10.4 and the requirements of this Section. In the case of conflict between two portions of this Bylaw, the more stringent requirements shall apply.

5. The applicant shall file at least seven copies of a site plan and attachments. The site plan shall be drawn at a proper scale as determined by the SPGA and be stamped by a Massachusetts professional engineer. All additional submittals shall be prepared by qualified professionals. The site plan and its attachments shall at a minimum include the following information where pertinent:

- a. A complete list of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use;
- b. For those activities using or storing such hazardous materials, a hazardous materials management plan shall be prepared and filed with the Hazardous Materials Coordinator, Fire Chief, and Board of Health. The plan shall include:
 - 1. Provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures;
 - 2. Provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces;
 - 3. Evidence of compliance with the regulations under the Massachusetts Hazardous Waste Management Act, 310 CMR 30.000, including obtaining an EPA identification number from the DEP.
 - 4. Proposed down-gradient location(s) for groundwater monitoring well(s), should the SPGA deem the activity a potential groundwater threat.

9.2.4514 Regulations. The SPGA may adopt regulations to govern design features of uses and activities. Such regulations shall be consistent with the subdivision control regulations adopted by the Planning Board.

9.2.4615 Enforcement. Written notice of any violations of this bylaw shall be given by the Building Inspector to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance.

1. A copy of such notice shall be submitted to the Board of Selectmen, Planning Board, Board of Health, Conservation Commission, Town Engineer, Department of Public Works, and Fire District. The cost of containment, clean-up, or other action of compliance shall be borne by the owner and operator of the premises.

Amend Section 11 to remove Stream and Lake Protection Zone definition

WATER QUALITY PROTECTION OVERLAY DISTRICT: The following definitions shall apply in the WQPOD:

AQUIFER: Geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.

CLASS A SURFACE WATER SUPPLY: Surface water bodies used for drinking water supply such as Long Pond and East Mountain Reservoir.

DEP: Massachusetts Department of Environmental Protection.

HAZARDOUS MATERIAL: Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture was discharged to land or water in the Town of Great Barrington. Hazardous materials include, without limitation, synthetic organic chemicals; petroleum products; heavy metals; radioactive or infectious wastes; acids and alkalis; solvents and thinners in quantities greater than normal household use; and all substances defined as hazardous or toxic under Massachusetts General Laws, Chapters 21C and 21E and 310 CMR 30.00.

IMPERVIOUS SURFACE: Material or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

LANDFILL: A facility established in accordance with a valid site assignment for the purposes of disposing solid waste into or on the land, pursuant to 310 CMR 19.006.

NONSANITARY WASTEWATER: Wastewater discharges from industrial and commercial facilities containing wastes from any activity other than collection of sanitary sewage, including, but not limited to, activities specified in the Standard Industrial Classification (SIC) Codes set forth in 310 CMR 15.004(6).

OPEN DUMP: A facility which is operated or maintained in violation of the Resource Conservation and Recovery Act [42 U.S.C. §4004(a)(b)], or the regulations and criteria for solid waste disposal.

POTENTIAL DRINKING WATER SOURCES: Areas which could provide significant potable water in the future.

RECHARGE AREAS: Areas that collect precipitation or surface water and carry it to aquifers. Recharge areas include areas designated by DEP as Zone I, Zone II, or Zone III, as defined below.

SEPTAGE: The liquid, solid, and semisolid contents of privies, chemical toilets, cesspools, holding tanks, or other sewage waste receptacles. Septage does not include any material which is a hazardous waste, pursuant to 310 CMR 30.000.

SLUDGE: The solid, semisolid, and liquid residue that results from a process of wastewater treatment or drinking water treatment. Sludge does not include grit, screenings, or grease and oil which are removed at the headworks of a treatment facility.

~~**STREAM AND LAKE PROTECTION ZONE:** (1) The land area within a five hundred foot lateral distance of the upper boundary of the bank of the Alford Brook, Long Pond Brook, and Seekonk Brook, when directly tributary to the Green River, and the Green River itself upstream of the water supply gallery. (2) The land area within a three hundred foot lateral distance of the upper boundary of the bank of:~~

- ~~East Mountain Reservoir~~
- ~~Fountain Pond~~
- ~~Green River downstream of the water supply gallery~~
- ~~Housatonic River [see * Note]~~
- ~~Hubbard Brook~~
- ~~Konkapot Brook~~
- ~~Lake Mansfield~~
- ~~Long Pond Brook where not directly tributary to the Green River~~
- ~~Muddy Brook~~
- ~~Roaring Brook~~
- ~~Root Pond~~
- ~~Round (Mercer's) Pond~~
- ~~Stony Brook~~
- ~~Thomas and Palmer Brook~~
- ~~Williams River~~

~~and the land area within a two hundred foot lateral distance of the upper boundary of the bank of all tributaries to these bodies of water or tributaries to any Class A surface water source.~~

~~* Note: In the urban centers, meaning those properties served by public water and sewer, the Stream and Lake Protection Zone shall not apply to the Housatonic River.~~

SURFACE WATER SOURCE PROTECTION ZONE A (INNER ZONE): The land area:

- Between the surface water source and the upper boundary of the bank;
- Within a four-hundred-foot lateral distance from the upper boundary of the bank of a Class A surface water source as defined in 314 CMR 4.05 (3) (a); and
- Within a two-hundred-foot lateral distance from the upper boundary of the bank of a tributary or associated surface water body.

SURFACE WATER SOURCE PROTECTION ZONE B (OUTER ZONE): The land area within 1/2 mile of the upper boundary of the bank of a Class A surface water source, as defined in 314 CMR 4.05 (3) (a), or the edge of the watershed, whichever is less. Zone B includes, by definition, the land area in Zone A.

SURFACE WATER SOURCE PROTECTION ZONE C: The land area not designated as Zone A or B within the watershed of a Class A surface water source as defined in 314 CMR 4.05 (3) (a).

TREATMENT WORKS: Any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse of waterborne pollutants, but not including any works receiving a hazardous waste from off the site of the works for the purpose of treatment, storage, or disposal.

TRIBUTARY: For Surface Water Protection Zones A and B: Any body of running, or intermittently running, water which moves in a definite channel, naturally or artificially created, in the ground due to a hydraulic gradient, and which ultimately flows into a Class A surface water source, as defined in 314 CMR 4.05(3)(a).

- For the Wellhead Protection Zones I and II ~~and the Stream and Lakes Protection Zone:~~ A perennial stream as defined under the Massachusetts Wetlands Protection Act Regulations. (310 CMR 10.00).

VERY SMALL QUANTITY GENERATOR: Any public or private entity, other than residential, which produces less than 27 gallons (100 kilograms) a month of hazardous waste or waste oil, but not including any acutely hazardous waste as defined in 310 CMR 30.136.

WASTE OIL RETENTION FACILITY: A waste oil collection facility for automobile service stations, retail outlets, and marinas which is sheltered and has adequate protection to contain a spill, seepage, or discharge of petroleum waste products in accordance with MGL c. 21, ~ 52A.

WATER QUALITY PROTECTION OVERLAY DISTRICT: The zoning district established pursuant to this section and defined to overlay other zoning districts in the Town of Great Barrington. The Water Quality Protection District includes, for the purposes of this section, Surface Water Source Protection Area Zone B, and Wellhead Protection Area Zone II, ~~and the Stream and Lakes Protection Zone.~~ Each of these protection zones shall be considered equivalent in terms of their permitted uses and prohibitions unless specifically noted otherwise. Surface Water Source Protection Area Zone A is included (with more restrictions) in Zone B, as is Wellhead Protection Zone I in Zone II.

WELLHEAD PROTECTION ZONE: The area controlled by DEP Wellhead Protection Regulation, 310 CMR 22.21(2). See Zone I, II, and III below.

ZONE I (INNER ZONE): The one-hundred- to four-hundred-foot protective radius around a public water system well or wellfield which must be owned by the water supplier or controlled through a conservation restriction.

ZONE II (OUTER ZONE): The area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield with no recharge from precipitation), as defined in 310 CMR 22.00.

ZONE III: The land area beyond the area of Zone II from which surface water and groundwater drain into Zone II, as defined in 310 CMR 22.00.