

STOCKBRIDGE SELECT BOARD MEETING MINUTES
Thursday, January 26, 2023
6:00 p.m.
ZOOM MEETING - TOWN OFFICES, 50 MAIN STREET

Present:

Patrick White, Chuck Cardillo, Jamie Minacci and Mike Canales

Call to Order:

Patrick called the meeting to order and began with the Pledge of Allegiance.

6:00 pm: Report on Rest of River by ROR representative Steve Shatz- Public Briefing

Steve Shatz began by bringing the Board up to date on the ROR: The permit to do the work in the river was issued by EPA and it was challenged; it's in administrative court: it was eventually revised based upon new work plans and also a permit which involves the designation of a landfill in Lee for a portion of the contaminated sediments. That ruling was appealed by the Housatonic River Initiative and was filed in the US Circuit Court. Briefs have been filed by HRI, GE, and the ROR committee; there are a series of reply briefs to get filed and other work to be done to make all the case statements consistent with one another, which will take place by the end of February. This will then be heard by a three-judge panel or larger in early summer, to be followed up by a decision (2023-2024). An appeal can be applied on this decision. In the meantime, the good thing that has happened is that as a part of the alternative dispute resolution, GE agreed as part of that to undertake all of the planning work that was necessary in order to effectuate the physical work in the river immediately. This process takes approximately 2 years and they are a long way into completing the work plans (Woods Pond). The committee has filed a set of comments designed to enhance the work in that area and they will continue to do this for as long as the committee continues to exist. The work plan is ten years.

Executive Session – Report on Rest of River representative Steve Shatz. (exemption 3) Return to open session.

Chuck made a motion to go into executive session. Aye Chuck, Aye Jamie, Aye Patrick.

Patrick made a motion to come out of executive session. Chuck seconded; Aye Chuck, Aye Patrick, Aye Jamie.

Announcements by members and/or the town administrator

Mike said that he had sent around the sub grantee agreement for BCAC to extend their weatherization, \$16,000 from ARPA funds.

He has the preliminary assessment back on the Tuckerman Bridge and will move to the next phase.

Jamie spoke on the MMA meeting she attended on January 20th. Stockbridge won an award for the Ice Glen tree project. Patrick extended thanks to the Agricultural and Forestry Commission for their work on this project.

Patrick announced the “Coffee and Conversations” meeting with Senator Paul Mark at Town Offices and via Zoom on Monday, February 13 at 10:00 am

Take action on One-Day Alcohol Licenses for Berkshire Botanical Garden for Art Openings on: March 9th from 3 – 5 pm, March 31st from 5 – 7 pm, May 5th from 5 – 10 pm, June 30th from 5 – 10 pm, and September 1st from 5 – 10 pm

Patrick read the above listed one-day alcohol applications. Chuck made a motion that they grant the permits. Jamie seconded; all were in favor.

Council on Aging Director Appointment

Patrick stated that we have had an opening for the COA Director position and three candidates were interviewed by Michael, Jack Gremli and Diane Sheridan. Mike said that from the interviews, they felt they had two strong candidates and they give their recommendation for Roxanne McCaffrey. Chuck made a motion that they appoint Roxanne McCaffrey to this position. Jamie seconded; all were in favor.

Consideration of a proposal via a Town Meeting Warrant article under the Commonwealth’s General Laws, Part I, Chapter 39, Section 16 to change the Finance Committee from appointed by the moderator to either appointed by the Board of Selectmen or to be elected by the voters of Stockbridge

Michael Roisman presented the above article for consideration, stating that as the Town Moderator has been appointing the Finance Committee for over 40 years and felt it was time to have someone else appoint or they should be elected. Chuck commented that the Town has had a very good Finance Committee for the last ten years and it is working really well. He recommends to leave it as is and would not support putting this on the Town Warrant. Jamie felt that as an elected committee the Finance Committee would always be in flux; possibly the Select Board could appoint. She added that the Finance Committee is working well. Patrick felt that the appointments flow from the voters, whether if through the Moderator, Selectmen or by election. He did not support the Select Board appointing the Finance Committee. As far as being elected, it is difficult to recruit people. He did not want to vote for or against but Michael could do a citizen’s petition to make it an elected position. Anita Schwerner said that this request to make it an elected committee had come from the Democratic Town Committee for over six years and agreed that there needs to be a change.

Special Permit Hearing for the property of Linda Shafiroff located at 10 Pine Street

Patrick made a motion that they open the hearing to consider the application for a special permit hearing for Linda Shafiroff at 10 Pine Street and waive the

reading of the notice and incorporate the notice into the minutes of the hearing. Chuck seconded. Aye Chuck, Aye Jamie, Aye Patrick

Notice:

BOARD OF SELECTMEN
TOWN OF STOCKBRIDGE
50 MAIN STREET
STOCKBRIDGE, MA 01262
SPECIAL PERMIT HEARING

Notice is hereby given that the Board of Selectmen, acting as a Special Permit Granting Authority, will hold a public hearing at the Stockbridge Town Offices and via Zoom Meeting, on Thursday, January 26, 2023 at 6:30 p.m. to consider the application for the property of Linda Shafiroff located at 10 Pine Street. The applicant is requesting authorization, pursuant to Section 6.1.2 of the Zoning Bylaws to allow the extension, alteration reconstruction or change of use of a nonconforming single-family dwelling. The property is in the business zone.

The application is filed in the Town Clerk's Office where it can be reviewed.

Patrick White,
Chairman

The Berkshire Eagle
January 5, 2023

The Berkshire Eagle
January 12, 2023

Patrick stated that:

The following procedures will be followed:

- a) Testimony will be limited to the issues directly related to the subject matter.
- b) Only one person will be permitted to speak at a time.
- c) All discussion will go through the chair.
- d) All parties will conduct themselves civilly.
- e) Arguments between parties will not be permitted

Attorney Lori Robbins presented the application of Linda Shafiroff for property at 10 Pine Street: This property is in the business district. It has a preexisting , non-conforming use, which is a dwelling. Currently on the property is a dwelling and a preexisting non-conforming structure, barn in the back. It is nonconforming as it violates the rear yard set back (actually over the line). Shafiroff is proposing to demolish this and build a 2 story new structure, with the first floor being a garage and a home office and the second floor being a studio apartment. Robbins said that the Selectmen may authorize by special permit the reconstruction of preexisting nonconforming structure to provide for its use for substantially different purpose, so long as the reconstruction will not be of greater non conformance with open space, yard and off-street parking requirements or any other requirements of this bylaw. Robbins presented the plans to the Board along with the uses and stated that the proposed reconstruction is in compliance with Section 6.1.2 and 6.3.6. The first floor will be home occupation of the owner and the second be a small apartment. Robbins asked the Board to approve the application for a special permit.

Patrick said that he had proposed a condition to the applicant and would like to propose the condition to the Board; where the residential unit created in the accessory structure must be used for long term rental housing and cannot be used as a short-term rental.

Patrick asked if there was anyone who wished to speak for or against the special permit.

Hearing none, Patrick moved to close the evidentiary portion of the hearing and move to deliberation of the Board. Patrick seconded; Aye Patrick, Aye Chuck, Aye Jamie.

The Board felt that the proposed was a good idea.

Patrick made a motion that they approve with the condition so stated. Chuck seconded; Aye Patrick, Aye Chuck, Aye Jamie.

Patrick made a motion to close the public hearing. Jamie seconded; Aye Patrick, Aye Chuck, Aye Jamie.

Consideration of Accessory Dwelling Unit bylaw to be submitted for review to the Planning Board

Patrick said that the purpose of accessory dwellings is to create residential housing. This bylaw (attached below) would limit accessory dwellings units to residents of Stockbridge. It is not intended to create a second rental unit for someone who is renting their house out. It requires full time owner occupancy in the first unit. Jamie and Chuck felt this bylaw would be helpful. This will be in all zones.

This will be referred to the Planning Board who has 65 days to have a hearing on this bylaw and 21 days to render an opinion. It will then come back to the Selectmen to then incorporate what, if any changes that the Planning Board recommends; and make Town Meeting for this May.

Patrick made a motion that they refer the Accessory Dwelling Unit bylaw as proposed to the Planning Board. Chuck seconded; all were in favor.

PROPOSED BYLAW: ACCESSORY DWELLING UNITS

1.0 Purpose and Intent: The intent of permitting accessory dwelling units is to:

1. Provide residential homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
2. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households who might otherwise have difficulty finding housing;
3. Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;
4. Provide housing units for persons with disabilities;
5. Protect stability, property values, and the residential character of a neighborhood.

2.0 Definitions:

1. Accessory Dwelling Unit: An Accessory Dwelling Unit is a self-contained housing unit incorporated within a single-family dwelling (not within accessory structures, except with a Special Permit) that is clearly a subordinate part of the single-family dwelling and complies with each of the criteria stated below.
2. Dwelling, Single-Family: A building designed or used exclusively as a residence and including only one dwelling unit.
3. Dwelling Unit: One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. This definition does not include a trailer, however mounted.
4. Primary Residence: A building in which is conducted the principal use of the lot on which it is located. For residentially zoned lots, such a building would be a dwelling.

3.0 Procedural Requirements:

For all Accessory Dwelling Units that meet all of the conditions of this bylaw:

1. For accessory dwelling units within a home: as-of-right;
 2. For attached or detached accessory dwelling units: special permit.
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4.0 Use and Dimensional Regulations:

1. The Special Permit Granting Authority is the Stockbridge Planning Board.
 2. The Building Commissioner may issue a Building Permit authorizing the installation and use of an accessory dwelling unit within an existing or new owner-occupied, single-family dwelling and the Special Permit Granting Authority (SPGA) may issue a Special Permit authorizing the installation and use of an accessory dwelling unit in an attached or detached structure on a single-family home lot only when the following conditions are met:
 - a) The unit will be a complete, separate housekeeping unit containing both kitchen and bath.
 - b) Only one accessory dwelling unit may be created within a single-family house or house lot.
 - c) The owner(s) of the residence in which the accessory dwelling unit is created must continue to occupy at least one of the dwelling units as their primary residence and domicile, except for bona fide temporary absences.
 - d) The unit shall include a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress.
 - e) The gross floor area of an accessory dwelling unit (including any additions) shall not be greater than nine hundred (900) square feet or 1/2 the floor area of the principal dwelling, whichever is smaller.
 - f) Once an accessory dwelling unit has been added to a single-family residence or lot, the accessory dwelling unit shall never be enlarged beyond the maximum size allowed by this bylaw/ordinance as specified in 4.02(e).
 - g) The construction of any accessory dwelling unit must be in conformity with the State Building Code, Title V of the State Sanitary Code and other local bylaws/ordinances and regulations.
 - h) Off-street parking spaces should be available for use by the owner-occupant(s) and tenants.
 - i) The unit may be used as a short-term rental provided that at the time of rental, the primary unit is owner-occupied.
 3. In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the SPGA may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.
 4. Approval for an ADU requires that the owner must occupy one of the dwelling units. The zoning approval and the notarized letters required in 4.05 and 4.06 below must be recorded in the County Registry of Deeds or Land Court, as appropriate, in the chain of title to the property, with documentation of the recording provided to the Building Commissioner, prior to the occupancy of the accessory dwelling unit.
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5. When a structure, which has received a permit for an accessory dwelling unit, is sold, the new owner(s), if they wish to continue to exercise the Permit, must, within thirty (30) days of the sale, submit a notarized letter to the Building Commissioner stating that they will occupy one of the dwelling units on the premises as their primary residence and domicile.
6. Prior to issuance of a permit, the owner(s) must send a notarized letter stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence and domicile, except for bona fide temporary absences.
7. Prior to issuance of a permit, a floor plan must be submitted showing the proposed interior and exterior changes to the building.

5.0 Administration and Enforcement

1. It shall be the duty of the Building Inspector to administer and enforce the provisions of this Bylaw.
 2. No building shall be constructed or changed in use or configuration, until the Building Inspector has issued a permit. No permit shall be issued until a sewage disposal works permit, when applicable, has first been obtained from the Board of Health and the proposed building and location thereof conform with the town's laws and bylaws. Any new building or structure shall conform to all adopted state and town laws, bylaws, codes and regulations. No building shall be occupied until a certificate of occupancy has been issued by the Building Inspector where required.
 3. The Building Inspector shall refuse to issue any permit, which would result in a violation of any provision of this chapter or in a violation of the conditions or terms of any special permit or variance granted by the Stockbridge Planning Board or its agent.
 4. The Building Inspector shall issue a cease-and-desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this chapter.
 5. Construction or use according to a building permit or special permit shall conform to any subsequent amendment of this chapter unless the construction or use is begun within a period of not more than six months after the issuance of a permit granted before the effective date of the amendment. To qualify for this exemption, construction must be completed in a continuous and expeditious manner.
 6. The SPGA specified in this section may, after making findings of fact that support the decision, approve modifications to the dimensional standards of this bylaw that will not exceed those standards by more than [10] percent.
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Consideration of Residential Inclusionary Development bylaw to be submitted for review to the Planning Board

Patrick said that the Residential Inclusionary Development bylaw (shown below) is in the Lenox Zoning bylaws. This is basically an attempt to help fund some of the significant costs of affordable housing by tying large developments to a requirement to contribute to including an affordable housing unit based on a formula or to make a payment to the AHT fund based on a formula. This would tie affordable housing to large developments.

Working with Town Counsel it was suggested to strike the inclusion of hotel rooms from the draft. Therefore, Patrick said he will strike the hotel mentioned in two places on page one before referring to the Planning Board. He said that the formula is pretty straight forward.

Patrick made a motion that they refer this with the changes of removing the hotel room to the Planning Board. Chuck seconded; all were in favor.

RESIDENTIAL INCLUSIONARY DEVELOPMENT

1.1.1. Purpose.

The purpose of this bylaw is to promote the general public welfare, including but not limited to ensuring an economically integrated and diverse community by maintaining and increasing the supply of affordable and accessible housing in the Town of Stockbridge. This purpose includes:

1. Ensuring that new development generates affordable housing as defined in Section 1.1.2.
2. Ensuring that affordable housing created under this section remains affordable over the long term, with the majority of such housing remaining affordable in perpetuity, except as may be otherwise required under state or deferral programs.
3. Maintaining a full mix of housing types while providing affordable housing opportunities in Stockbridge.
4. To the extent allowed by law, ensuring that preference for new affordable housing is given to eligible persons who live or work in Stockbridge.

1.1.2. Definitions

The following terms shall have the following definitions for the purposes of this section:

1. "Affordable to persons or families qualifying as low income" shall mean affordable to households or persons earning less than 50% of the median income under the applicable guidelines of the Commonwealth's Department of Housing and Community Development.
2. "Affordable to persons or families qualifying as moderate income" shall mean affordable to households or persons earning more than 50% but less than 80% of the median income under the applicable guidelines of the Commonwealth's Department of Housing and Community Development.
3. "Affordable units" shall mean any combination of dwelling units restricted in perpetuity as affordable to persons or families qualifying as low or moderate income.
4. Units shall refer to residential housing units or hotel rooms, in the case of the latter one hotel room equals one unit.

1.1.3. Applicability

In all zoning districts, the following regulations shall apply to development in Stockbridge where the number of units exceeds 9.

1. All development requiring a Special Permit and resulting in additional new hotel rooms or dwelling units shall provide affordable housing units at the following minimum rates:
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Total Development Unit Count	Required Affordable Unit Provision
10 – 19 units	Minimum one (1) dwelling unit
20 – 29 units	Minimum two (2) dwelling units
30 units and up	Minimum 10% of total unit count*

* For developments of 30 or more units, calculation of the number of affordable units shall, if the required percent of the total results is a fraction, be rounded up to the next whole number where the fractional portion is equal to 0.5 or greater, and shall be rounded down to the next whole number where the fractional portion is less than 0.5.

2. Applicants for development who are not subject to the requirements of Section 1.1.3.1 may voluntarily include affordable units and are eligible to apply for a special permit for the density bonus outlined in Section 1.1.6.2.

1.1.4. Special Permit Authority

The development of any project set forth in Section 1.1.3 (above) shall require the grant of a Special Permit from the Stockbridge Board of Selectmen (SBOS). The Special Permit shall conform to the requirements of this bylaw and to Massachusetts General Laws Chapter 40A, and to regulations which the Board of Selectmen may adopt for carrying out its requirements hereunder.

1.1.5. Minimum Requirements for Inclusionary Development

An Inclusionary Development Special Permit shall be subject to the following conditions, and the SBOS shall make a determination that the proposed development meets the requirements for granting a Special Permit, as well as the following conditions:

1. Buffer Areas. A buffer area of 50 feet shall be provided at the perimeter of the property where it abuts residentially zoned or occupied properties, except for driveways necessary for access and egress to and from the site. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance. The SBOS may reduce the buffer requirement to no less than 25 feet (i) where the land abutting the site is the subject of a permanent restriction for conservation or recreation or (ii) where the land abutting the site is held by the Town for conservation or recreation purposes; unless the SBOS determines that a smaller buffer will suffice to accomplish the objectives set forth herein.
2. Each inclusionary development shall provide, at the applicant's choice, one of the following:
 - a. Construct or rehabilitate affordable units comparable in appearance and setting to the rest of the development or neighborhood.
 - b. A cash payment equivalent to the value of structures, land and appropriate on-site and off-site improvements, be made to the Town of Stockbridge Affordable Housing Trust Fund. The cash payment shall be equal to the total cost of construction for each low or moderate income dwelling unit. The conditions of payment shall be determined through the Special Permit process.
 - c. As a condition for granting of a Special Permit, all affordable housing units shall be subject to an affordable housing restriction and a regulatory agreement in

the form acceptable to the SBOS. The affordable restriction shall be approved as to form by legal counsel to the Board of Selectmen and a right of first refusal upon the transfer of such restricted units shall be granted to the Town or its designee for a period of not less than 120 days after notice thereof. The regulatory agreement shall be consistent with any applicable guidelines issued by the Department of Housing and Community Development and shall ensure that affordable units can be counted toward the Stockbridge Subsidized Housing Inventory. The special permit shall not take effect until the restriction, the regulatory agreement and the special permit are recorded at the Registry of Deeds and a copy is provided to the SBOS and the Building Inspector.

1.1.6. Dimensional Requirements

1. Design Process. Each development plan shall follow the design process outlined below. When the development plan is submitted, applicants shall be prepared to demonstrate to the Board of Selectmen that this process was considered in determining the layout of the proposed inclusionary development.
 - a. Understanding the Site. The first step is to inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these important features to each other.
 - b. Evaluating Site Context. The second step is to evaluate the site in its larger context by identifying physical (e.g., stream corridors, wetlands), transportation (e.g., road and bicycle networks), and cultural (e.g., recreational opportunities) connections to surrounding land uses and activities.
 - c. Location of Development Areas. The third step is to locate building sites, streets, parking areas, paths and other built features of the development. The design should include a delineation of private yards, public streets and other areas, and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns as well as any existing historical architectural and landscape features.
2. The applicant shall prepare a plan showing the Basic Maximum Number of dwelling units allowed in the zoning district. The Basic Maximum Number shall not exceed the number of units which could reasonably be expected to be developed upon the site under a conventional as of right plan in full conformance with all zoning, subdivision regulations, health regulations, wetlands regulations and other applicable federal, state and local requirements (hereinafter, the Yield Plan). The proponent shall have the burden of proof with regard to the design and engineering specifications for such Yield Plan. The SBOS may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number as follows: The SBOS has the discretion to award the addition of two market rate units for each affordable unit provided as part of compliance with Section 1.1.3.
3. The street line and lot line setbacks, minimum lot size and minimum frontage of the proposed inclusionary development will be determined through the Special Permit

process as outlined in Section 1.1.6.1. At least 50% of the lot line setback shall be maintained.

1.1.7. Types of Buildings

The inclusionary development may consist of any combination of single-family, two-family, multifamily residential structures or other allowable uses under Stockbridge's Zoning Bylaws.

1.1.8. Roads

The principal roadway(s) serving the site shall be designed to conform with the standards of the Town where the roadway is or may be ultimately intended for dedication and acceptance by the Town. Private ways shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or by the Applicant.

1.1.9. Parking

Each dwelling unit shall be served by two (2) off-street parking spaces. Parking spaces in front of garages may count in this computation.

1.1.10. Stormwater Management

Stormwater management shall be consistent with the requirements for subdivisions set forth in the Rules and Regulations of the Planning Board.

1.1.11. Decision

The SBOS may approve, approve with conditions, or deny an application for an Inclusionary Development after determining whether the Inclusionary Development promotes the purposes of Section 1.1.1.

1.1.12. Relation to Other Requirements

The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw.

1.1.13. Maximum Incomes and Selling Prices: Initial Sale:

1. To ensure that only eligible households purchase affordable housing units, the purchaser of an affordable unit shall be required to submit copies of the last three years federal and state income tax returns and certify, in writing and prior to transfer of title, to the developer of the housing units or his/her agent, and within thirty (30) days following transfer of title, to the local housing trust, housing authority or other agency as established by the town, that his/her or their family's annual income level does not exceed the maximum level as established by the Commonwealth's Department of Housing and Community Development, and as may be revised from time to time.
 2. The maximum housing cost of affordable units created under this bylaw is established by the Commonwealth's Department Housing and Community Development, Local Initiative Program.
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1.1.14. Reservation of Affordability; Restrictions on Resale:

1. Each affordable unit created in accordance with this bylaw shall have limitations governing its resale through the use of a regulatory agreement (Section 1.1.5.2.c). The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The resale controls shall be established through a restriction on the property and shall be in force in perpetuity.
 - a. Resale price. Sales beyond the initial sale to a qualified affordable income purchaser shall include the initial discount rate between the sale price and the sale price and the unit's appraised value at the time of resale. The percentage shall be recorded as part of the restriction on the property noted in Section 1.1.14.1, above.
 - b. Right of first refusal to purchase. The purchaser of an affordable housing unit developed as a result of this bylaw shall agree to execute a deed rider prepared by the town, consistent with model riders prepared by Department of Housing and Community Development, granting, among other things, the municipality's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.
 - c. The SBOS shall require, as a condition for Special Permit under this bylaw, that the applicant comply with the mandatory set-asides and accompanying restrictions on affordability, including execution of the deed rider noted in Section 1.1.14.1.b, above. The Building Inspector shall not issue an occupancy permit for any affordable unit until the deed restriction is recorded.

1.1.15. Conflict with Other Bylaws:

The provisions of this bylaw shall be considered supplemental of existing zoning bylaws. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw, or provisions therein, shall apply.

1.1.16. Severability:

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or section or parts of any section of this bylaw shall not affect the validity of the remainder of the town's zoning bylaw.

Attorney Robbins came back to the table as she stated that there is suggestion that the Planning Board has jurisdiction over the conversion of the accessory structure as a dwelling unit. Robbins did not agree as if it was a conforming structure it would have come under the Planning Board but the bylaw allows the Selectmen to authorize the reconstruction of the pre-existing non-conforming structure to provide for its use for substantially different purpose. She added that if Town Counsel says this has to come under this provision as well, Linda Shafiroff would use the whole thing as home occupation. The Board members thought they had the jurisdiction. Mike said that Town Counsel took the position that it does not alleviate the need since your having an accessory dwelling unit on it, that under 4.4 of the section read, you would still need to get the special permit also from the planning board; not one or the other. With that permission taken, Robbins said they would like to reopen the public hearing and withdraw the dwelling portion of the application. All they would grant is for the special permit to expand the pre-existing nonconforming structure to be used as a home occupation. Chuck asked in clarification that the building would be torn down and reconstructed with an office downstairs and the upstairs being empty or as another office. This was agreed upon and the applicant would need to go to the Planning Board for the accessory dwelling part.

After further discussion on procedure, it was decided that the Board did not need to do anything further. The permit was approved for a non-conforming structure. If an apartment would be added they would need to go to the Planning Board.

Adjournment:

With no further business, Patrick adjourned the meeting.

Please see <https://ctsbtv.org/government-channel-1303/> to view the full meeting.