

EGREMONT PLANNING BOARD

PROPOSED ZONING BYLAW CHANGES for RURAL AND VILLAGE DISTRICTS

PUBLIC HEARING

Wednesday, July 20, 2016
7:00 p.m.

North Egremont Firehouse

Article 1: To see if the Town will amend the Zoning Bylaw to create three zoning districts where the General District is now, by:

- adopting the following changes to Section 3 Establishment of Districts and renumbering the remainder of Section 3 accordingly;
- adopting the zoning maps titled “Town of Egremont Zoning Map June 2016”, “Town of Egremont North Village District Zoning Map June 2016”, and “Town of Egremont South Village District Zoning Map June 2016”;
- putting current Section 4 Regulation of Districts (Use Regulations and Intensity Regulations), into the form as follows to show the existing use regulations and intensity regulations for each district;
- and wherever else the words :General District” appear change that to :Rural District, North Village District and South Village District.”

3. ESTABLISHMENT OF DISTRICTS

3.1 Types of Districts

3.1.1 The Town of Egremont has the following districts:

3.1.1.1 *The RURAL DISTRICT*

3.1.1.2 *The NORTH VILLAGE DISTRICT*

3.1.1.3 *The SOUTH VILLAGE DISTRICT*

3.1.1.4 The JUG END RESIDENTIAL DISTRICT

3.1.1.5 Overlay Districts

- a. The FLOOD PLAIN OVERLAY DISTRICT
- b. The WIRELESS TELECOMMUNICATIONS OVERLAY DISTRICT
- c. The ADULT ENTERTAINMENT OVERLAY DISTRICT
- d. The MEDICAL MARIJUANA OVERLAY DISTRICT
- e. The LARGE SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC OVERLAY DISTRICT

3.2 Location of Districts

3.2.1 **Rural** District

Includes the entire town except for the North Village District, the South Village District, and the Jug End Residential District as hereinafter defined.

3.2.2 **North Village District**

The North Village District shall be as shown on the map titled North Village Map and dated June 2016.

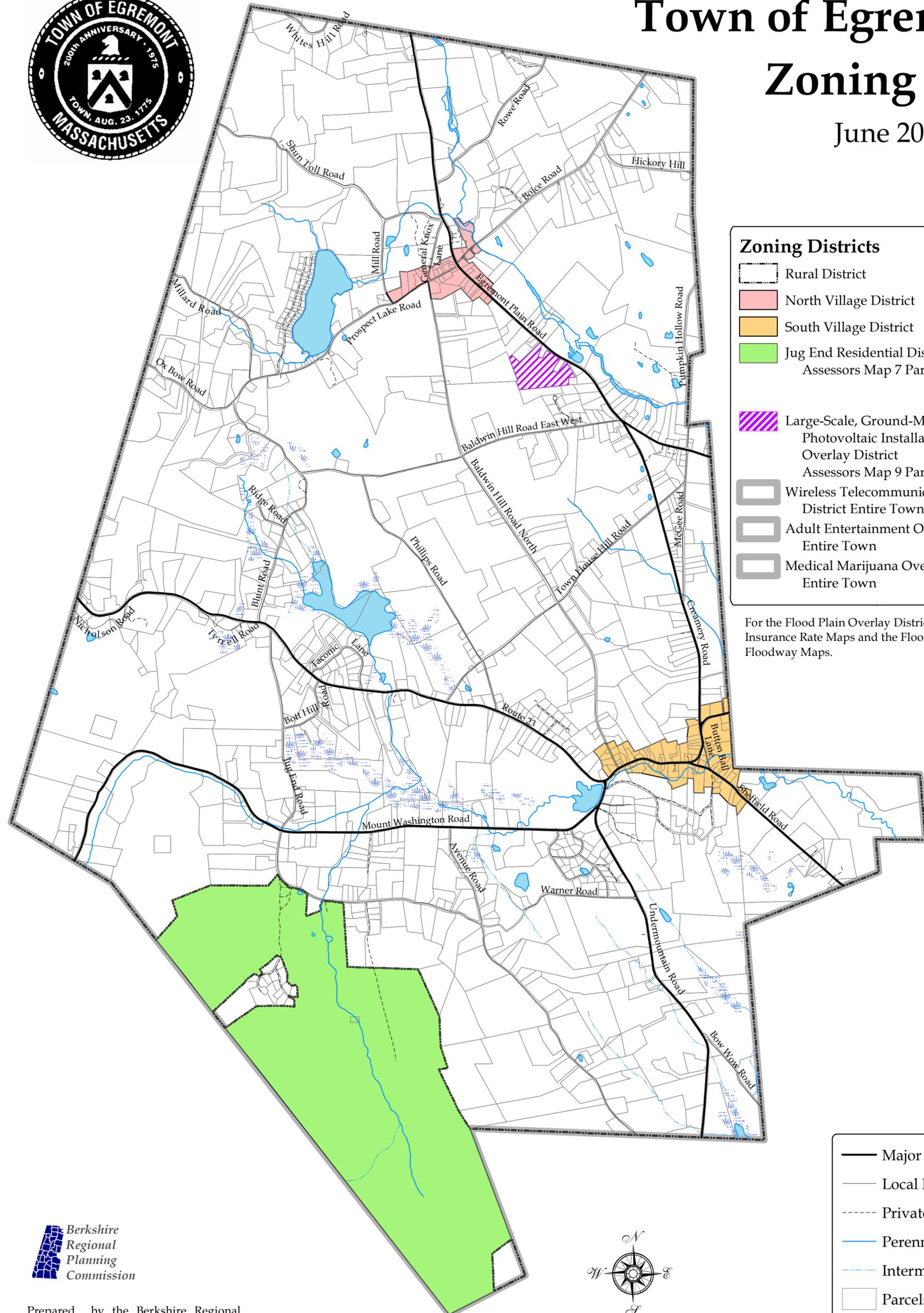
3.2.3 **South Village District**

The South Village District shall be as shown on the map titled South Village Map and dated June 2016.



Town of Egremont Zoning Map

June 2016 Draft

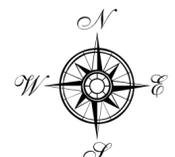
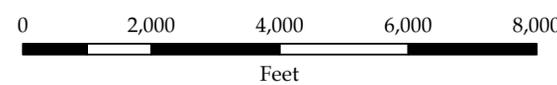


Zoning Districts

- Rural District
- North Village District
- South Village District
- Jug End Residential District
Assessors Map 7 Parcel 278
- Large-Scale, Ground-Mounted, Solar Photovoltaic Installation (LGSPI) Overlay District
Assessors Map 9 Parcel 0004
- Wireless Telecommunications Overlay District Entire Town
- Adult Entertainment Overlay District Entire Town
- Medical Marijuana Overlay District Entire Town

For the Flood Plain Overlay District see the Flood Insurance Rate Maps and the Flood Boundary and Floodway Maps.

- Major Road
- Local Road
- Private Road
- Perennial Stream
- Intermittent Stream
- Parcels
- Lake / Pond
- Marsh / Wetland



Prepared by the Berkshire Regional Planning Commission, February 2016 for the Egremont Planning Board. Property lines indicated are based on the Town of Egremont's assessor's maps.

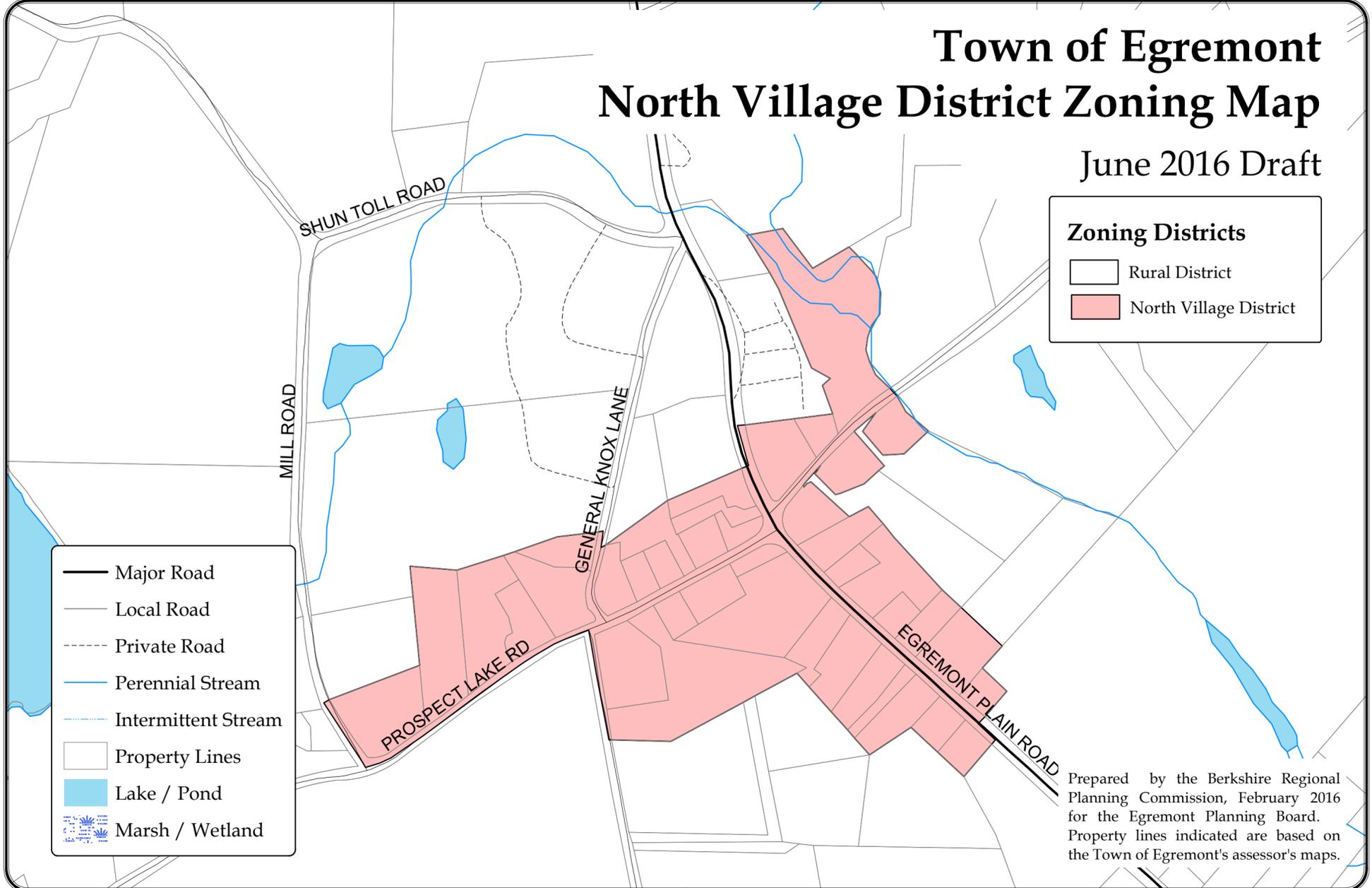
Town of Egremont North Village District Zoning Map

June 2016 Draft

Zoning Districts

-  Rural District
-  North Village District

-  Major Road
-  Local Road
-  Private Road
-  Perennial Stream
-  Intermittent Stream
-  Property Lines
-  Lake / Pond
-  Marsh / Wetland



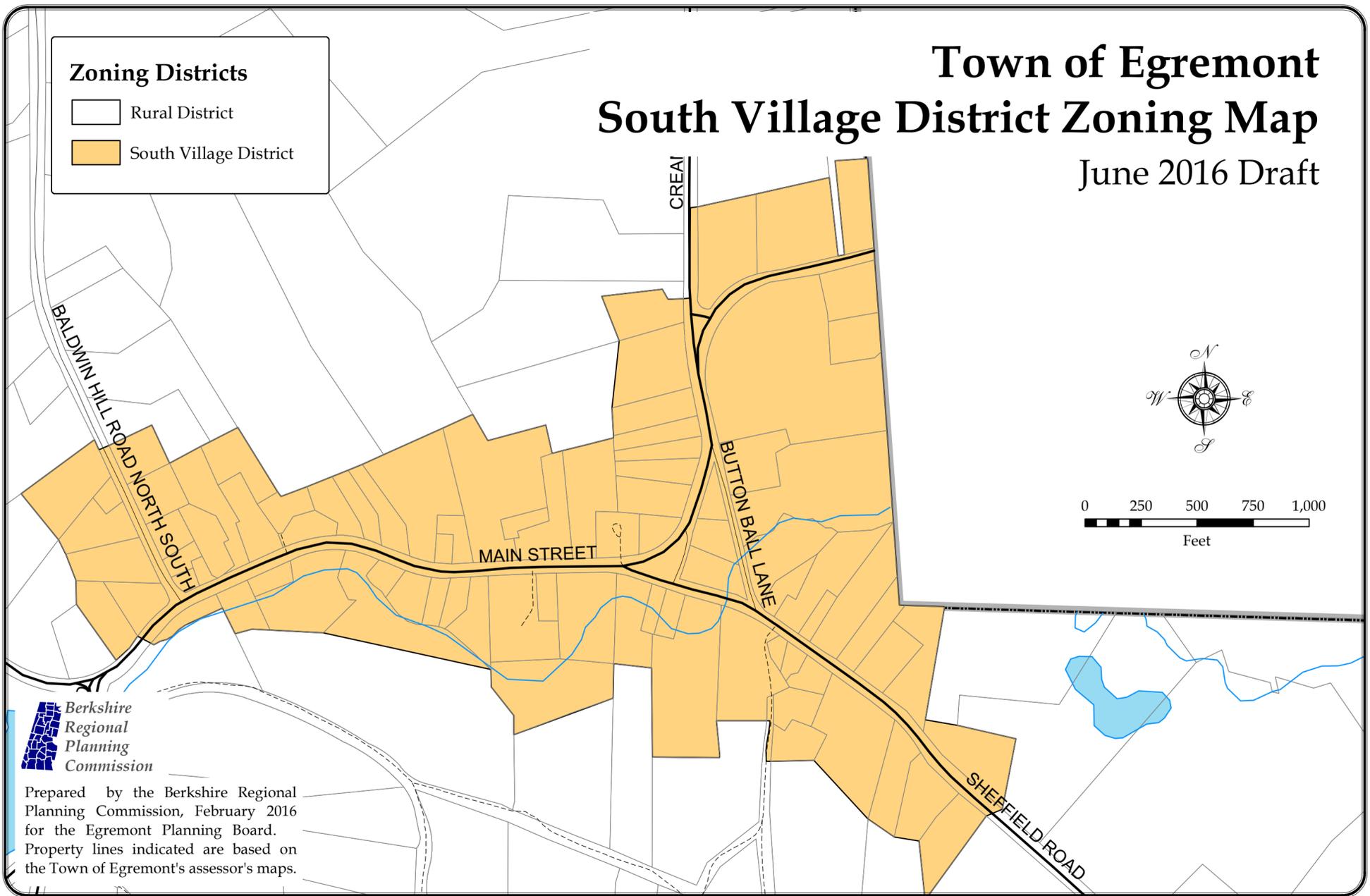
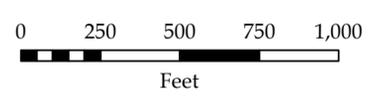
Prepared by the Berkshire Regional Planning Commission, February 2016 for the Egremont Planning Board. Property lines indicated are based on the Town of Egremont's assessor's maps.

Town of Egremont South Village District Zoning Map

June 2016 Draft

Zoning Districts

-  Rural District
-  South Village District



Prepared by the Berkshire Regional Planning Commission, February 2016 for the Egremont Planning Board. Property lines indicated are based on the Town of Egremont's assessor's maps.

4. REGULATION OF DISTRICTS

4.1 ***Rural District, North Village District and South Village District***

4.1.1 Use Regulations for the ***Rural District, the North Village District and the South Village District***

4.1.1.1 Applicability

Except as provided by law or in this Bylaw, no building or structure shall be erected, and no building, structure or land or part thereof shall be used for any purpose or in any manner other than one or more of the uses hereinafter set forth as permitted by right or as permissible by special permit and so authorized by special permit in accordance with the provisions of this Bylaw.

4.1.1.2 ***Table of Uses for the Rural District, North Village District, and South Village District***

Symbols

Y = Allowed By-Right

N= Not allowed

PB = Special Permit from Planning Board

SB = Special Permit from Board of Selectmen

ZBA = Special Permit from Zoning Board of Appeals

<i>Type of Use</i>	<i>Zoning District</i>		
	<i>Rural District</i>	<i>North Village District</i>	<i>South Village District</i>
A. RESIDENTIAL USES			
1. One (1) family dwelling.	Y	Y	Y
2. Conversion of a one (1) family dwelling into a two (2) family dwelling.	Y	Y	Y
3. Two (2) family dwelling.	Y	Y	Y
4. Multi-family dwelling, subject to the special requirements specified in §4.1.2.3	PB	PB	PB
B. COMMERCIAL USES			
1. Retail business or consumer service establishment, subject to the requirements specified in §4.1.2.1.	PB	PB	PB
2. Earth removal in accordance with Section 4.3.5	SB	SB	SB
3. Uses and structures for wireless telecommunications services in the WTOD in accordance with the provisions of Section 5.2 and 5.3 of this Bylaw.	PB	PB	PB

<i>Type of Use</i>	<i>Zoning District</i>		
	<i>Rural District</i>	<i>North Village District</i>	<i>South Village District</i>
<p>4. Structures for providing wired or wireless internet service or other wired telecommunications services other than those provided for in §5.2 and 5.3 of this Bylaw as follows:</p> <p>a. Up to 180 square feet in floor area of an existing structure may be used to house this equipment. Any such structure shall be treated as an accessory building for purposes of Sections 4.1.2.1 and 4.1.2.2.a of this Bylaw provided that all other uses in the structure are accessory uses.</p> <p>b. Any new building to house such equipment shall have a footprint no greater than 180 square feet and be no more than 14 feet in height and shall be treated as an accessory building as in §4.1.1.2.c.4.a above.</p> <p>c. Poles supporting equipment for services under this section 4.1.1.2.c.4 may not also be used for services under Sections 5.2 and 5.3 unless approved under those sections. Poles shall be subject to side and rear setback requirements for accessory buildings.</p>	SB	SB	SB
C. ACCESSORY USES			
<p>1. Accessory uses and structures customarily incidental to a principal permitted use on the same premises, including but not limited to the following:</p> <p>a. The use of a room or rooms in a dwelling or an existing accessory building by a resident occupant for practice of his or her occupation or craft, provided that any external evidence of any business is not detrimental to the rural type environment of the area.</p> <p>b. Rental of not more than four (4) rooms for residential purposes in a dwelling by a resident family provided no separate kitchen facilities are maintained.</p> <p>c. The display and sale by a resident of the premises at a roadside stand or otherwise, or natural products the major portion of which are produced on the premises.</p> <p>d. Display of sign or signs as regulated in Section 4.3.2 of this Bylaw.</p> <p>e. Mobile home or travel trailer, as regulated in Section 4.3.4 of this Bylaw.</p> <p>f. The removal of earth materials, including stripping of topsoil when incidental to or required in connection with any of the following operations:</p> <p>i. The erection of a building or structure on the lot for which a building permit has properly been issued and the construction of a private drive.</p> <p>ii. Any accessory use incidental to a permitted use, including cultivation, planting, drainage of land, or landscaping.</p> <p>iii. The construction of a private street in a subdivision approved under the Subdivision Control Law.</p> <p>iv. Municipal or governmental construction or operation.</p>	Y	Y	Y
2. Accessory buildings exceeding the maximums set for height in Section 4.1.2.1 of this Bylaw	PB	PB	PB
D. OTHER USES			
1. Use of land and structures for agriculture, horticulture, viticulture or floriculture.	Y	Y	Y
2. Religious or education use on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic, or by a religious sect or denomination, or by a nonprofit educational corporation.	Y	Y	Y
3. Municipal or governmental use including parks, playgrounds or other recreational facilities owned or operated by a town agency.	Y	Y	Y

4.1.2.1. Table of Intensity Regulations

a. General

Any building or structure used for dwelling purposes or housing a principal permitted use **and any accessory building** shall be so located on a lot as to meet the requirements of this Section except as specifically otherwise provided in this Bylaw.

b. Table of Intensity Regulations for the Rural District, North Village District, and South Village District

RURAL DISTRICT							NORTH VILLAGE DISTRICT							SOUTH VILLAGE DISTRICT						
Use	Minimum Lot Area	Minimum Frontage in Feet	Minimum Yard in Feet			Maximum Height in Feet ²	Minimum Lot Area	Minimum Frontage in Feet	Minimum Yard in Feet			Maximum Height in Feet ²	Minimum Lot Area	Minimum Frontage in Feet	Minimum Yard in Feet			Maximum Height in Feet ²		
			Front ¹	Side	Rear				Front ¹	Side	Rear				Front ¹	Side	Rear			
i. One Family	1 acre	150	40	25	25	35	1 acre	150	40	25	25	35	1 acre	150	40	25	25	35		
ii. Existing One Family Converted to Two Family	1 acre	150	40	25	25	35	1 acre	150	40	25	25	35	1 acre	150	40	25	25	35		
iii. Two Family	2 acres	150	40	25	25	35	2 acres	150	40	25	25	35	2 acres	150	40	25	25	35		
iv. Multi-Family	2.5 acres ³	150	75	50	50	35	2.5 acres ³	150	75	50	50	35	2.5 acres ³	150	75	50	50	35		
v. All Other Principal Uses ⁴	1 acre	150	40	25	25	35	1 acre	150	40	25	25	35	1 acre	150	40	25	25	35		
vi. Private Garages, Sheds and Such Other Accessory	-	-	40	25	25	35	-	-	40	25	25	35	-	-	40	25	25	35		

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

Article 2: To see if the Town will amend Section 4.1.2.1 Table of Intensity Regulations in the North Village District and South Village District as follows (changes shown in bold Italics) and provide for "Split lots" (lots which are located partially in the Rural District and partly in the North Village District or South Village District) by adding a new section 4.1.2.4, all as follows:

4.1.2.1. Table of Intensity Regulations

a. General

Any building or structure used for dwelling purposes or housing a principal permitted use **and any accessory building** shall be so located on a lot as to meet the requirements of this Section except as specifically otherwise provided in this Bylaw.

b. Table of Intensity Regulations for the Rural District, North Village District, and South Village District

RURAL DISTRICT							NORTH VILLAGE DISTRICT						SOUTH VILLAGE DISTRICT					
Use	Minimum Lot Area	Minimum Frontage in Feet	Minimum Yard in Feet			Maximum Height in Feet ²	Minimum Lot Area	Minimum Frontage in Feet	Minimum Yard in Feet			Maximum Height in Feet ²	Minimum Lot Area	Minimum Frontage in Feet	Minimum Yard in Feet			Maximum Height in Feet ²
			Front ¹	Side	Rear				Front ¹	Side	Rear				Front ¹	Side	Rear	
i. One Family	1 acre	150	40	25	25	35	<i>3/4 acre</i>	<i>100</i>	<i>25</i>	<i>15</i>	25	35	<i>3/4 acre</i>	<i>75</i>	<i>25</i>	<i>15</i>	25	35
ii. Existing One Family Converted to Two Family	1 acre	150	40	25	25	35	<i>3/4 acre</i>	<i>100</i>	<i>25</i>	<i>15</i>	25	35	<i>3/4 acre</i>	<i>75</i>	<i>25</i>	<i>15</i>	25	35
iii. Two Family	2 acres	150	40	25	25	35	<i>1 acres</i>	<i>100</i>	<i>25</i>	<i>15</i>	25	35	<i>1 acres</i>	<i>100</i>	<i>25</i>	<i>15</i>	25	35
iv. Multi-Family	2.5 acres ³	150	75	50	50	35	<i>1.5 acres³</i>	150	<i>25</i>	<i>25</i>	<i>25</i>	35	<i>1.5 acres³</i>	<i>150</i>	<i>25</i>	<i>25</i>	<i>25</i>	35
v. All Other Principal Uses ⁴	1 acre	150	40	25	25	35	1 acre	150	<i>25</i>	25	25	35	1 acre	<i>150</i>	<i>25</i>	25	25	35
vi. Private Garages, Sheds and Such Other Accessory	-	-	40	25	25	35	-	-	40	<i>15</i>	25	35	-	-	40	<i>15</i>	25	35

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

4.1.2.4 Lots Split by Zoning Districts: When a lot is situated in both the Rural District and either the North Village District or the South Village District at the time these bylaws are adopted, the side yard and rear yard setbacks permitted in the North Village District or South Village District may be extended into the Rural District for a distance of up to fifty feet, by Special Permit from the Zoning Board of Appeals.

Article 3: To see if the Town will amend existing regulations for commercial setbacks by the following changes to Section 4.1.2.3.b.ii (below), and amend and incorporate existing regulations for common driveways into the intensity table by changing Section 4.3.6.2.c and adding vii, viii and ix to Section 4.1.2.1.b as shown (words with strike out are deleted, words in bold italics are added):

Section 4.1.2.3.b.ii: No commercial building structure, parking areas or driveway providing access to or from a public way for such use ***in the Rural District*** shall be located within fifty (50) feet of any side or rear property line ~~except in cases where strict compliance with this requirement would cause unnecessary hardship.~~ ***No commercial building, structure, parking areas or driveway providing access to or from a public way for such use in the North Village District or South Village District shall be located within twenty-five (25) feet of any side or rear property line.***

Section 4.3.6.2.c: Design requirements for common driveways shall in the opinion of the Planning Board assure adequate safety and access for emergency vehicles. Common driveways shall be constructed to have proper drainage to minimize erosion and comply with applicable state erosion control requirements and guidelines for best management practices. All common driveways shall have a minimum traveled width of fourteen feet, a maximum grade of 10 percent, and ~~a minimum 25 foot setback from the sideline between the lot of origin and a lot not served by the common driveway~~ ***and shall meet the setback requirements of Section 4.1.2.1 of this Bylaw.***

4.1.2.1. Table of Intensity Regulations

b. Table of Intensity Regulations for the Rural District, North Village District, and South Village District

RURAL DISTRICT							NORTH VILLAGE DISTRICT					SOUTH VILLAGE DISTRICT						
Use	Minimum Lot Area	Minimum Frontage in Feet	Minimum Yard in Feet			Maximum Height in Feet ²	Minimum Lot Area	Minimum Frontage in Feet	Minimum Yard in Feet			Maximum Height in Feet ²	Minimum Lot Area	Minimum Frontage in Feet	Minimum Yard in Feet			Maximum Height in Feet ²
			Front ¹	Side	Rear				Front ¹	Side	Rear				Front ¹	Side	Rear	
<i>vii. Driveway or common driveway providing access to 2 - 4 single dwelling units, whether in one or more buildings</i>				25 ⁵	25 ⁵					-	-					-	-	
<i>viii. Driveway or common driveway providing access to 5 or more single dwelling units, whether in one or more buildings</i>				50 ⁵	50 ⁵					-	-					-	-	
<i>ix. Driveway or common driveway providing access to 2 or more single family dwelling units, whether in one or more buildings.</i>										10 ⁵	10 ⁵					10 ⁵	10 ⁵	

5) Setback to be measured from all lot lines of lots not served by the common driveway.

Article 4: To see if the Town will establish size parameters for retail businesses and consumer service establishments in the Rural District, North Village District, and South Village District and add a definition of "FOOTPRINT."

Change §4.1.1.2.B.1 as follows (changes in bold Italic):

Retail business or consumer service establishment *in a building with a footprint no larger than 4,000 square feet in the North Village District and South Village District and no larger than 8,000 square feet in the Rural District*, subject to the requirements specified in §4.1.2.1.

And add the following definition to Section 2:

FOOTPRINT: the total area of the largest floor of a building, calculated using the outside perimeter of the surrounding exterior walls; plus the area of any attached deck or decks, calculated using the outside perimeter of the deck, not including stairs or steps; plus the area of any part of the building not provided with surrounding walls, calculated using the outside perimeter of the roof.