

MINUTES

Public Hearing for Proposed Zoning By-Law changes

Thursday, April 5, 2007

Meeting was called to order at 8:32 PM

Members present were: Bart Elsbach, chair, Anthony Gulotta, and Bill Gillooly. Christopher Tomich entered at 8:43 PM.

B. Elsbach introduced the proposed by-law changes by stating that the Zoning By-Law Review Committee has been working hard to bring zoning by-laws up to date and to get the by-laws in line with Massachusetts General Laws as well as to make them clearer and internally consistent. He asked for public comment.

One member of the public was present, Mr. Stephen Leibowitz. He asked a question about article 2. He wanted to know if the phrases “square feet gross floor per lot” and “square feet of gross floor area on an individual lot” were equivalent. He wanted to know if each floor of a 2 story structure were 26,000 feet if that would exceed the limit.

B. Elsbach answered that it would exceed the limit. The total “gross floor area” would then be 52,000 feet, and the limit is 50,000 feet.

Mr. Leibowitz asked the Board to explain the rationale for this change and why this rule should apply to the commercial district. The board pointed out that this was not a change.

Thomas Carmody, the Building Inspector, was present and he explained that a major commercial development is only allowed in the business district. He hoped the town and the board would keep an open mind on the issue of the 50,000 sq. foot restriction and possibly revisit this by-law.

Mr. Leibowitz objected that the restrictions in 3.1.5 are unique to the Commercial District and he asked what was the general rationale for the size restriction.

B. Elsbach explained that there was a cost benefit ratio to new structures coming into town. Such structures could adversely affect the rural character of the town upon which many businesses depend. He explained that there are sections of town that are allowed to look more industrial or commercial. B. Elsbach asked Mr. Leibowitz if he felt his concerns had been addressed.

Mr. Leibowitz said yes, the board had explained the rationale.

B. Elsbach stated that he had a concern that the word “area” should be added to the proposed warrant articles.

Tom Carmody pointed out that “square feet” is a unit of area and that the Board is not empowered to change the wording now.

B. Elsbach wanted to ask Bob Weitz if that word could be changed or if the change would have to be proposed at the Town Meeting.

Tom Carmody made a statement about taxable property. He described the many large developments at Berkshire School and mentioned other tax exempt uses such as religious institutions. He asked the Board to keep an open mind on the issue of taxable property.

B. Gillooly moved to accept the amended proposed town zoning by-laws. His motion was seconded and approved.

9:10 the Planning Board closed the Public Hearing for Proposed Zoning By-Law Changes.

Respectfully submitted,

Nadia Milleron
Secretary to the Planning Board