

DETERMINATION ON AN ARTIST (Revised 7.11.2025)

ECLIPSE MILL LOFTS CONDOMINIUM TRUST

North Adams has established a zoning amendment specifically for the Eclipse Mill that allows for Accessory residential units for artists' studios, (Section 10.2 Zoning.)

“The City allows residential use of artist studios only as an accessory use. That is, the primary use of the lofts must be for engaging in artistic endeavors either gainfully or as a vocation. The use of the lofts as residential space is secondary and accessory to the lofts' primary use as artist studios. Therefore, it is not enough for a loft resident to be an artist, the artist must engage actively and gainfully or as a vocation in his or her artistic end.

NORTH ADAMS ZONING

SECTION 10 SPECIAL REGULATIONS. [Ord. of 1-12-2016]

10.2.

Accessory residential units for artists' studios:

10.2.8.

Building owners and/or building committees shall determine the qualifications of the artists using the studio spaces for residential use and the limitations contained herein shall be included in any lease or sales contract with the resident artist.

SECTION 13 DEFINITIONS. [Ord. of 1-12-2016]

ARTIST STUDIO

A place of work of one or more persons who are engaged actively, and either gainfully or as a vocation, in the fine arts, including but not limited to painting, printmaking or sculpting; the performing and visual arts, including, but not limited to dance, choreography, photography or filmmaking, ceramics or the composition of music.

The City of North Adams requires that the governing Board of Trustees of the Eclipse Mill Lofts Condominium Trust determine the qualifications of artists using the lofts for residential purposes.

This Application is adopted by the Artist Review Committee (hereinafter “ARC”) and the Board of Trustees of the Eclipse Mill Lofts Condominium Trust (hereafter the "Board" or the "Board of Trustees") to determine the qualifications of artists using any loft for residential purposes.

The applicant should be aware that, regardless of their qualifications as "artist", his/her creative endeavor may not present a health or safety hazard, or otherwise interfere with the residential or creative use of neighbors' spaces.

Pursuant to the City's Zoning Ordinance, the Eclipse Mill Lofts Condominium Trust has developed this policy to comply with the City's ordinance.

I. DETERMINATION OF ARTIST

The first step in the application process is the determination if the applicant satisfies the definition of “artist”.

To assist the Board of Trustees in this determination, the Board has established an Artist Review Committee (the "ARC") to make recommendations to the Board as to whether an individual qualifies as an artist.

The ARC and the Board considers primarily whether the applicant has demonstrated a serious and sustained commitment to their creative endeavor as evidenced by the prospective artist’s portfolio, practice, resume, and intended future activities and projects.

As the ARC will generally meet within thirty (30) days after a loft owner submits a completed application on behalf of the prospective owner(s) or renter(s) to the Board, it is recommended that the current owner submit the completed application to the Board as soon as reasonably possible in order to avoid delays in closing on the purchase and/or taking occupancy of a loft. During its deliberations, the Artist Review Committee or Board may request additional information including reference letters. They may also question the owner regarding knowledge of the qualifications of the prospective renter or owner.

In the event that a renter later wishes to negotiate a purchase of the unit, a new application will be required.

II. EVALUATION PROCESS

In determining whether a prospective buyer or renter satisfies the definition of "artist," the Board of Trustees will use the following 2 criteria. Both criteria must be met with the Board consideration of extenuating circumstances in rare cases.

1. Applicants need to show a demonstrated and documented serious artistic endeavor in 3 out of the last 5 years. The artist’s body of work or evidence of a solid professional career in the arts should reflect a significant level of skill, aesthetic value, and complexity of form and/or ideas and originality recognized to be at a level consistent with at least 3 to 5 years of activity in their field of practice.

2. In addition, at least one of the following must apply:

a. The individual’s practice may be categorized within established fields of fine or visual arts, whose products are to be appreciated primarily or solely for their imaginative or aesthetic or intellectual content, such as whose painting, drawing, printmaking, writers of literature, sculpture, architecture, music, and poetry.

- b. The individual creates imaginative works of aesthetic value, such as, playwriting, film, video, digital media works, costume design, photography, music composition and conceptual art.
- c. The individual's artistic practice may be considered as belonging to a category of functional and decorative arts, or traditional and indigenous arts, such as jewelry, rugs, furniture, pottery, traditional basket weaving, or quilts.
- d. The individual's artistic practice falls within the category of performance and performative expression, such as theatre performer, singer, indigenous storyteller, musician, dancer, actor or performance artist.
- e. The individual is engaged in the arts such as that of an arts educator, conservator, critic, scholar, curator, consultant, gallery owner, etc. That individual should be recognized in their field as either fulfilling a leadership role, educational role, critical or scholarly role.

Accordingly, the applicant should submit materials appropriate to the individual's field of artistic endeavor. These should include:

- ☐ A CV, with dated shows, presentations, or equivalent.
- ☐ A portfolio, or equivalent, of dated works.
- ☐ These may be augmented by resources such as a website, CD or DVR of images or performances, examples of publications, programs and catalogs, reviews, awards, scholarships, fellowships and internships.

3. "The ARC may request additional information such as a letter of recommendation and/or a peer review by members of the Trust with the same area of expertise, or if not available, from an outside expert in the applicant's field of work."