

FINAL

PLANNING BOARD MEETING MINUTES for Jan 11,2022

(Approved Feb. 8, 2022)

6 p.m. via ZOOM

Attending: Pam Kueber, chair (PK), Tom Delasco, vice chair (TD), Kate McNulty Vaughan (KMV), Sue Lyman (SL)

Not attending with notice: Jim Harwood (JL)

Also attending: Land Use Clerk Jes Cote

Recorded by Town and Berkshire Eagle

Documents: Planning Board Agenda for Jan 11 2022, Inclusionary Zoning Bylaw 9.8, Subdivision Rules - p. 6 / Preliminary Plan requirements

Niagara Mill DLTA – Niagara Mill DLTA – PK relayed update from Town Planner: background work by BPRC is still going on, shooting for late Feb./early March community meeting to discuss scenarios and getting local preference input. PK re-sent to Town Planner the portion of our last meeting where reiterated that we did not want to end up with another sort of master plan, want actionable next steps. Use scenarios will help identify useful next steps. KMV -- can we ask whether the meeting will outline specific clean up actions required based on differing scenarios; ask BRPC etc. to provide at least general understanding with what would be involved with the different types of cleanup that might be required. KMV – referenced Lee project / similar situation; TD – Smitty Pignatelli may be able to explain because he's been involved at the state level, Eagle Mill in Lee – lots of public spaces so level of remediation likely more in-depth vs. what would be required for non-residential uses. PK – Chris Ketchen may have lot of knowledge as he was formerly also Town Manager in Lee. KMV – this would give us some way of honing in scenarios v. cleanup requirement – investors' interest accordingly – and how all these pieces are related. TD – Pittsfield PEDAsite 9 on east of Woodlawn: prospective tenants do not have capital nor take on liability of any type of cleanup so city is footing the bill for cleanup and prep work largely through grants e.g. Mass Development partnership – city prepermit the parcels/lots including remediation. PK – does KMV want expert at community meeting who can explain realistically what's involved in moving forward something like this and why it's wise to narrow the focus? KMV – yes, that would really ground discussion, we need to understand what this might encompass for the town – long term project to get all these pieces in place, encumbrances put on town money, likely, etc. TD – helpful to work with current property owner, who he guesses likely wants to sell it. KMV – ask Smitty who would be a good person from Eagle Mill project to come in and talk to us about the process they've been

involved with vs. 'we'll do this and the heavens will open up.' PK – will reach out to Town Planner to make sure there's outreach to current property owner. TD – study done of all mill properties. PK – ask Town Planner to watch beginning of this tape, be sure to involve owner of this property, at community meeting get someone experienced in these types of projects on the ground in to really explain how similar projects have got done and do get done. SL – familiar with property, father was manager, QC engineer, at Schweitzer. TD - Closed in 2008, was operating paper mill, machines have been all taken out. PK – asking Town Manager for macro report to be sent to Board. KMV – hopeful that we have enough compelling info that it's not just a talk fest rather a genuine effort to try and get wheel turning on this, if so we'll get more public participation.

RFQ for Wireless Communications Needs Analysis and Master Plan – No update from Town Planner, any questions due by end of next week. Submission deadline is Feb. 18.

Discuss current Inclusionary Zoning Bylaw (IZB) and Multifamily Housing requirements and potential amendments –

Note Inclusionary Zoning Bylaw will be identified by acronym IZB in following discussion.

One of the issues at the top of our list to get working on as soon as time allows. Discuss today at a higher level. Have some specific suggestions from Shawn Leary-Considine of the ZBA from 2019. PK – right now IZB includes consideration of requirements related to multifamily housing; feels strongly that needs to be split out entirely – it's part of what's confusing part of the IZB which as written now applies to all housing of all types – not just multifamily. Plus we have a separate section of our bylaw that has multifamily regs that is in conflict. KMV – yes, we should look at both 9.8 Inclusionary and Multifamily 9.3 (and we also have open space flexible development). PK ask "the hard question" – IZB has been on books for 10-15 years and we have not had one unit of housing building built because of it, so how much of our time should we spend on revising it v. working on other housing efforts? KMV – IZB not used because we have not had a lot of large-scale developments. Blantyre – IZB affordable housing requirement IS in their SP; however, project has not been built, has new owner. PK – part of me asks is it even necessary for Lenox to have a bylaw like this given we do not have big developments, we always talk about taking things off the books. KMV – IZB started as a model bylaw and has been used successfully in other communities, we should identify what communities have had success with it, whether the details are different, or whether it's a different size/type of town. TD – we've talked about lowering the threshold for affordable housing requirement; removing waiver language; KMV – sections floating around, different sections "are they all saying the same thing or aren't they?"; remove all the definitions related to affordable housing requirements. SL – can PK reiterate why you're suggesting this? PK: not arguing for it, bringing it up as a question, very very few even small developments coming in. SL – remembers proposal for housing at Shakespeare that was super dense, recalls a dedicated # affordable. Looking way back into the bylaw there was another (short) requirement, we believe, for affordable housing

% -- without being an entire IZB – agree with KMV we need to do some benchmarking. PK said she had tried some ideas at rewriting the IZB and came up against “fairness” issue – why start at 5, 7, 10? Fair to people who want to do that v. 4 units? Are there other ways to generate affordable housing based on overall pace of development – looked at Cambridge bylaw, also has a requirement for affordable housing provision when commercial square footage is expanded. Just doesn’t hit residential development, conveys some responsibility to commercial development.

KMV – step back -- start with where we allow multifamily housing to begin with, making ADUs more available – make it an easier process. We need to stop losing village rental units to STRs; PK and TD – that ship has sailed. Look at sewer and water maps where is it feasible/suitable to have more multifamily housing. Hubbard Street off East St. dearth of sewer access. Look for other areas where multifamily is possible beyond R30s and 15s, which already are dense. Look at setbacks / buffers / in zones / contradictions. There are lots of things that could make us more amenable to multifamily housing vs just single-family housing. PK – are there other impediments before you even get to IZB? KMV – think about where we may be able to create more dense neighborhoods, easy transportation, open space, look around our community. PK – make sure they are zoned appropriately, that don’t effectively prohibit development of multifamily housing.

For next discussion: PK – has master list of all housing-related ideas discussed as part of Master Plan, we have many housing-related, can go through that document and prioritize order to work on. KMV – will make a list of all the stuff we’ve talked about. PK will also access archived lists from previous discussions/work. KMV – we made a commitment in Master Plan to housing. SL – tighten up or eliminate the waiver provisions of the IZB or we’ll never have success; also recognizes that there are properties we want to see development. KMV-a consensus in that direction. TD – concern that developers won’t coming if we have requirement. KMV-Weston made real commitment.

PK – going thru IZB – more ‘what’s fair’ issues encountered – if proposal is for 15 units, for example, would not apply because the developer is creating lots that are then sold to individuals who then build their house (as individuals not as a 15-unit development). So how do we deal with that in this bylaw to be fair, when others in condo ownership have only one owner, so would have been under IZB. What happens if they’re building in stages, 14 units then 5 more later. Then, why task individual homeowners in a new large subdivision vs single owner.

TD – yes, take a look at the entirety of 9.8. KMV – look at barriers, incentivize building of new housing, have an element of fairness across those. TD – recalled when we changed 20/30/40 to larger lots. PK – at most IZB will get us onesy twosies, isn’t real solution getting more deeded affordable housing given the cost of building today – building going to have to come with massive state support; we will have to spend a lot of time reworking this but is that where we should put our time. TD – see where you can make lots smaller so that smaller houses can be

build. How much in R1a that's not already built? PK – backlot development? Open up bylaw to open up housing of all kinds, starting with multifamily housing. KMV look for sections of town. 40R districts – can we look at that? SL – is state money only available for developments? KMV 40R is more flexible. SL – had a conversation in the community citizen not in favor who believed we should not make affordable housing an island unto itself, ideally is mixed in with community, that this is what the IZB seeks to do, good for people and community. KMV – that's the overarching goal, but is a lot harder to do financially.

PK – is hearing: PB in favor of keeping IZB in place in probably different format or broken into pieces as part of larger basket of solutions already articulated and discussed tonight to open up market-rate-, multifamily-, and deeded affordable housing. Next possible meeting – look at list and decide next steps.

KMV – are there newer, better models for IZB? TD – talk to CDC of Southern Berkshires? JH can also provide insight. TD – how do financial numbers work – housing developers would know, need to consult with them. CDC – KMV recalls 10 years ago something like 18 different sources of funding for a project. PK – federal infrastructure money coming available?

Discussion requirements for Preliminary Plans under Subdivision Control Act and whether updates are recommended – PK – we want a list of all waivers and put them on the plan. TD – there was a list (a table) e.g. “comply” “n/a” “recognized”. KMV – found that difficult to get any true info from. When things like ‘criteria met’ explain how you've met or plan to meet it.

KMV – we really want to know what the site problems are and how they will be addressed. SL – none of what's currently being asked is onerous.

PK – want to understand what I'm seeing. Specify size of mylar and shading of lots? Clearly differentiate the lots being created. KMV – topography if not flat needs to have a really good sense of how steep it is, will affect driveways and drainage. TD: Topo lines were on the map. Ask for separate topical map from survey with actual grades numbered / elevations.

Not smaller than 24x36 drawings submitted electronically and in print; mylars not required (unless there's an ANR/change to deed requirement; a separate issue.) TD - not smaller than 1" equals 100'. PK – identification of any zoning bylaw anticipated new nonconformity or noncompliance that will require SP waiver or variance. Ask to flag ANRs as a courtesy so that we understand the plan in its entirety. PK to make some changes, redline them, and discuss further now understanding the task, then do a first reading and a second reading. TD – look at differences between Prelim Plan and Definitive Plan to ensure alignment. KMV – ask for detail that will give us a really good sense of the site. Steep slopes, rocks, ledges, drainage. SL – requirements as stated already include some of these things e.g. drainage. TD – Definitive Plan will be mapped out with inverts – lots more detail will be included. PK and KMV – reorder requirements they are more organic e.g. J,I,F. Take out ‘in a general manner’ of topography.

Abutters wi/300 feet (not 150). KMV – “L” development impact statement, give some consideration to that, look at definition.

Respectfully submitted,

Pam Kueber

2/5/2022