

KYLE HANLON, Chair
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Executive Director

APPROVED MINUTES OF THE REGIONAL ISSUES COMMITTEE

June 21, 2017

*At Berkshire Regional Planning Commission Office
1 Fenn Street, Ste. 201, Pittsfield, MA 01201*

I. Call to Order

The meeting was called to order at 4:08 p.m. by Chair Raftery.

The following Committee Members were present:

Marie Raftery, Stockbridge, Chair
C.J. Hoss, Pittsfield, Vice Chair
Bob Bott, Mt. Washington
Andrew Groff, Williamstown
Kyle Hanlon, North Adams
Sarah Hudson, Tyringham
Sheila Irvin, Pittsfield
James Mullen, Great Barrington
Eleanor Tillinghast, Green Berkshires

Others Present:

Larysa Bernstein, North Adams City Planner

Staff Present:

Nat Karns, Executive Director

II. Approval of Minutes

• **April 26, 2017 Meeting**

A correction was made to show that Andrew Groff was in attendance. Upon a motion by Kyle Hanlon, seconded by CJ Hoss, the minutes were approved with three abstentions.

• **May 17, 2017 Meeting**

Upon a motion by CJ Hoss, seconded by Andrew Groff, the minutes were approved as presented with two abstentions.

III. Land Use Reform Legislation

- **H.2420 (Kulik and Peake)**
- **S. 81 (Chandler)**
- **S.94 (Rodrigues)**

The Committee continued its review of the three bills from where it left off at the last meeting.

The new Sec. 9G in C.40A (land use dispute avoidance process) is not needed since there is no longer a provision for such a process in the bill.

The discussion at the last meeting ended going over the various pieces of the Master Plan requirements and optional sections.

After considerable discussion about the specific language and what should be required and what was needed or not, the Committee felt that we should indicate that this is simply too complex in its approach and will lead to more communities not preparing master plans at all. The complexity outline is essentially an unfunded mandate or will be ignored. Even if the State provided funding, the complexity will make it very difficult to get communities to be willing to prepare a master plan.

The Committee supports the requirement that there be an Implementation section in a master plan, but the existing law calls for that already. The “Infrastructure and Capital Facilities Element” should be re-termed the “Infrastructure and Community Facilities Element”. Capital is a term used for many items such as new fire trucks or DPW equipment in many communities and using the same term when intended only for physical facilities can lead to confusion. If there is still a distinction between required and voluntary elements, the Transportation Element should be required, not voluntary. The committee agreed with most of the commentary on the various elements that was shown on the table. In some elements there is a mandatory consultation with some board or commission; the Committee feels there should be overall language that the planning board must consult with all appropriate boards and officials in preparing the master plan. The Committee supports the requirement that any elements in a master plan should be assessed against similar subject matter in a regional plan. The Committee agrees with the requirement that master plans must first be approved by the planning board and subsequent vote by the local legislative body.

The Committee reviewed the various changes proposed in the Subdivision Control Law (C.41, s.81L-HH). Most are acceptable; the exceptions are s.81L-HH9g) in the Senate and House bills, both of which allow creation of lots on land held in Chapter 61 and 61A and which are very complicated. The Committee does not agree with the proposed language in that subsection under either bill.

The Committee discussed the new language in C.151B, s.4 which states that discriminatory land use practice is an unlawful practice subject to complaint to the Mass. Commission Against Discrimination. While none of the Committee wishes to be seen as being in favor of discrimination, the MCAD process is subject to lengthy delay, large fines which accrue substantial interest during the delay in hearing the complaint, and exorbitant attorney’s fees if the complaint is upheld.

The Committee had no comment on the change to C.185, s.3A which deals with Land Court versus Superior Court jurisdiction and processes.

The Committee supports the establishment of a special commission to study the use and effectiveness of the zoning approval process for educational uses.

There are various parts of C.249, s.4 which lay out the schedule for development of regulations and legal status of various tools impacted by the legislation which are already in effect. The Committee feels that the requirement to have compliant accessory dwelling provisions should be a reasonable amount of time, three years, which is the same as for other housing related changes. The development impact fee allowance should be immediately after approval of the legislation.

Staff will draft a letter or several letters on the various pieces of legislation and it will be on the next Committee agenda. It is expected to be on the agenda for the full Commission meeting which will be held on July 27th.

V. Next Committee Meeting Date, Time & Topic

The next meeting will be on Wednesday, July 19th at 4 p.m. The Committee will review the draft letter on the land use legislation and will take up the topic of Short-Term Rentals.

VI. Adjournment

Upon a motion by Kyle Hanlon, which was seconded by Eleanor Tillinghast, the meeting was adjourned at 5:38 p.m.

Material Sent or Provided to the Committee

- Agenda for 6/21/2017 Meeting
- Draft minutes for April 26, 2017 Meeting
- Draft minutes for May 17, 2017 Meeting

- Table on elements of S.81, H.2420, and S.94 – land use reform legislation – June 21st Version