Land Use

An Element of *Sustainable Berkshires*, Long-Range Plan for Berkshire County

Adopted 3.20.14

SUSTAINABLE BERKSHIRES
Community Strategies For A Sustainable Future

Berkshire Regional Planning Commission

Sustainable Berkshires is a project of the Berkshire Regional Planning Commission.

The work that provided the basis for this publication was supported by funding under an award with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the Government.

ACKNOWLEDGEMENTS

REGIONAL CONSORTIUM

1Berkshire
Stuart Chase, *President & CEO*

Berkshire Community Action Council
Kim McMann, *Director of Planning*

Berkshire County Regional Housing Authority
Brad Gordon, *Executive Director & Staff Attorney*

Berkshire County Selectmen's Association
Julie Hannum

Berkshire Health Systems
Ruth Blodgett, Vice President, *BHS Planning and Development*
Ed Perlak (Alternate), *Public Health Grants Administrator*

Berkshire Housing Development Corporation
Elton Ogden, *Executive Director*

Berkshire Metropolitan Planning Organization
Nathaniel Karns, *Executive Director BRPC*

Berkshire Natural Resources Council
Tad Ames, *Executive Director*

Berkshire Regional Planning Commission
James Mullen, *Chairman*

Berkshire County Managers and Administrators
Gregory Federspiel, *Lenox Town Manager*
Adele Gravitz (Alternate), *Lenox Sustainability Coordinator*

Berkshire United Way
Nancy Stoll, *Director of Community Engagement and Evaluation*
Kristine Hazzard (Alternate), *President & CEO*

Center for Ecological Technology
Nancy Nylen, *Associate Director*

City of Pittsfield
Deanna Ruffer, *Community Development Director*
CJ Hoss (Alternate), *City Planner*

City of North Adams
Mike Nuvallie, *Housing and Projects Coordinator*

Compact for Education
Denise Richardello, *V.P. of Enrollment Management*
Mary Nash (Alternate), *Project Coordinator*

Housatonic Heritage
Dan Bolognani, *Executive Director*

MA Fisheries and Wildlife
Andrew Madden, *District Manager*

Multicultural BRIDGE
Gwendolyn Hampton VanSant, *Executive Director & Founder*
Lori Gazzillo (Alternate), *Board President*

Pittsfield Area Council of Churches/Berkshire Association of Churches
Quentin Chin, *Representative*

USDA
Aimee Thayer, *County Executive Director*

STAKEHOLDER GROUP

Mary Albertson, *Lenox*
Donna Cesan, *Adams*
Kate Fletcher, *Stockbridge*
Mackenzie Greer, *North Adams*
Andrew Groff, *Williamstown*
Mark Holmes, *Egremont*
CJ Hoss, *Pittsfield*
James Mullen, *New Marlborough*
Marie Raftery, *Stockbridge*
Christopher Rembold, *Great Barrington*
Robert Ronzio, *Becket*
Beth VanNess, *Becket*
Thomas Wickham, *Lee*

BERKSHIRE REGIONAL PLANNING

Thomas Matuszko, *Assistant Director*
Mark Maloy, *GIS, Data and IT Manager*
Brian Domina, *Senior Planner*
Amy Kacala, *Senior Planner*

TABLE OF CONTENTS

Introduction 1
Current Land Use 1
Population 2
Regulatory Strategies 2
Land Ownership and Management 4
Societal Conditions and Market Influence 5
Opportunities and Challenges 6
Land Use Through the Sustainability Lenses 9
Land Use Planning Process 10
Land Use Vision 11
Achieving the Vision 11
1. Land Use Structure 13
Future Land Use Plan 13
Land Use Categories 14
Future Land Use Map 16
Opportunities and Challenges 17
Tools and Techniques 19
Goals, Policies, and Strategies 22
2. Planning Tools, Techniques and capacity 27
Municipal Planning 27
Municipal Control of Land Use 28
Tools and Techniques 30
Opportunities and Challenges 32
Goals, Policies, and Strategies 33
3. Maximize Investment and Resources 37
Fiscal Necessity of New Development 37

Chapter 43D – Expedited Permitting District **37**
Importance of Urban Areas **38**
Tools and Techniques **39**
Opportunities and Challenges **42**
Goals, Policies, and Strategies **45**
Implementation **49**

INTRODUCTION

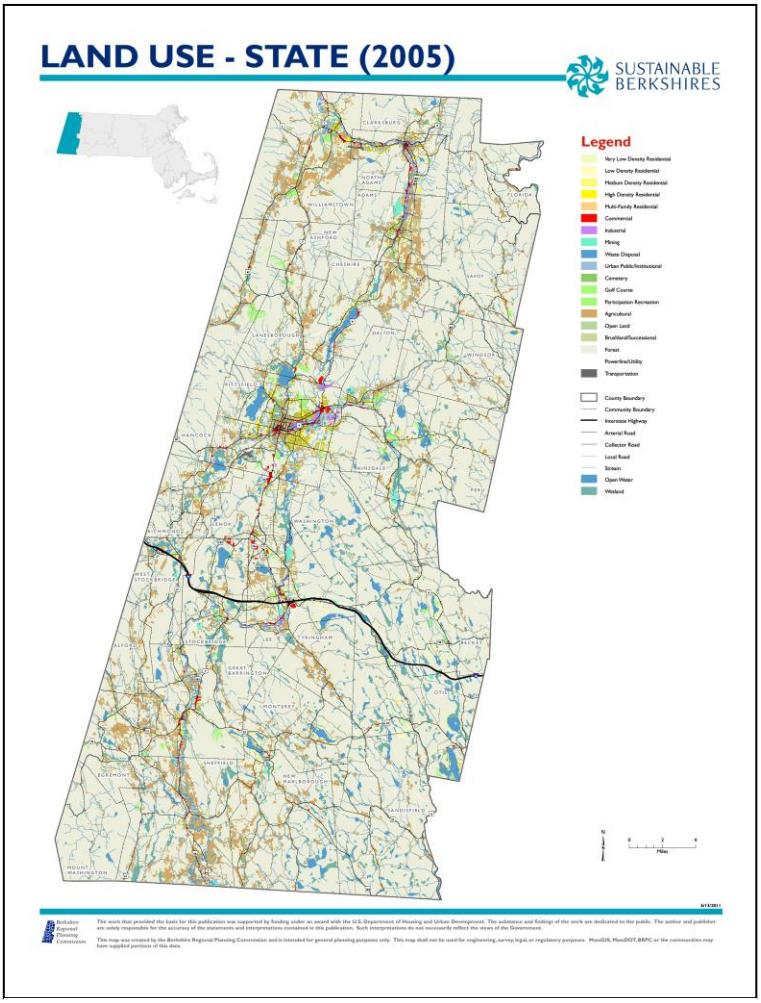
The Berkshire region is renowned for its beautiful landscape. Nestled between the mountain ranges along its eastern and western borders, settlement was attracted to the relatively flat and fertile lands of the Housatonic and Hoosic river valleys. Settlements grew along the rivers, and smaller villages became established to serve agricultural areas. A defining feature of the landscape is the distinct separation of settled and unsettled areas and the interface between field and forest. The natural beauty of the Berkshires was and is a magnate for visitors. This plan describes both a way to maintain and enhance the region's scenic and natural assets and to attract new development to the region in order to bolster the economy and improve the quality of life for residents.

CURRENT LAND USE

Land use involves the modification and management of the natural environment into the built environment. This includes creating or modifying uses such as fields, pastures, settlements, towns, cities, factories, shops and roads. There are several key influences on land use. These include the availability of land, population, regulatory strategies, land ownership and land management and societal conditions and market influences.

- **Land Characteristics:** The current land use pattern of the Berkshires is characterized by extensive forestlands, agricultural lands (predominantly in the river valleys), rural residential development along roadways, small villages, a regional center (the City of Pittsfield), two sub regional centers (the City of North Adams and the Town of Great Barrington) and several town centers. The region's cultural heritage in the arts and its proximity to metropolitan areas of the Northeast have been strong magnets for visitors and second home owners, especially in the southern part of the region. The following table shows land use in the Berkshire region. The source of this information is 2005 MassGIS Land Use.
- **Availability of Land:** The Berkshire region is still a relatively undeveloped area with 93% (approximately 564,742 acres) of all land either not developed or used for recreational/open space and agricultural purposes. According to the 2005 land use estimates, developed land accounts for approximately 40,655 acres in the region, or approximately 7% of the region's total. Approximately 50% of the developed lands are used for residential purposes.
- **Development Constraints:** Although much of the land in Berkshire County is currently undeveloped, much of it is subject to some type of development constraint. According to a GIS analysis conducted by the Berkshire Regional Planning Commission about 467,976 acres, 77% of the total acreage, has some type of development constraint. Development constraints include those lands with severe development constraints (about 206,758 acres, 34% of the total) defined as slope greater than 25%, protected land and wetlands and lands with less severe constraints (about 261,217 acres, 43% of the total) defined as having slope between 15 – 25 %, land located in the 200 foot buffer of the River Protection Act or located in the 100 year floodplain. There are approximately 137,682 acres (including currently developed land) in Berkshire County free from the development constraints indentified above. Even factoring in the 40,655 acres currently developed indicates there is significant capacity for future development in the county.

Figure LU1: Berkshire County Land Use (2005)



2005 Land Use

Land use type	Acres
Cropland	24,094
Pasture	14,461
Forest	453,601
Non-Forested Wetland	19,682
Mining	1,392
Open Land	8,350
Participation Recreation	2,551
Spectator Recreation	48
Water-Based Recreation	52
Multi-Family Residential	2,398
High Density Residential	4,340
Medium Density Residential	9,133
Low Density Residential	9,133
Commercial	2,734
Industrial	1,631
Transitional	335
Transportation	1,571
Waste Disposal	366
Water	12,386
Powerline/Utility	1,896
Golf Course	1,479
Marina	2
Urban Public/Institutional	2,344
Cemetery	624
Orchard	328
Nursery	332
Forested Wetland	21,130
Very Low Density Residential	12,060
Junkyard	84
Brushland/Successional	1,632
Total	605,397
Developed	40,655

Source: MassGIS Land Use, 2005

POPULATION

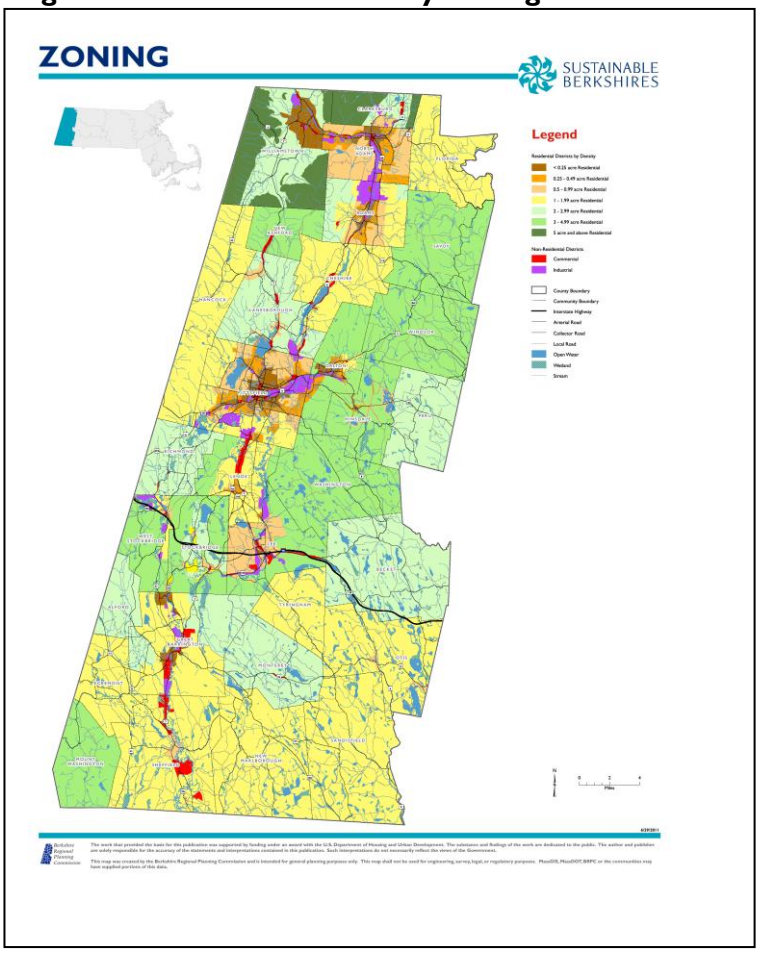
Berkshire County has experienced population decline since the 1970's. In 1970, the population of the county was 149,402. In 2010 (U.S. Census), the population was 131,219, a decrease of 18,183 people, or 12.2%. The current population brings the county back to a level last seen in the late 1940s. Berkshire County has seen an average of 3.2% decline per decade over the last 40 years, while Massachusetts has seen an average growth of 3.6% per decade and the United States has seen an average growth of 11.0% growth per decade. Berkshire County's total decline of 12.2% over the last 40 years is extremely different from the Massachusetts's growth of 15.1% and the United States growth of 51.9%.

REGULATORY STRATEGIES

Land use regulation and control in Massachusetts is vested in the municipalities. Zoning bylaws (towns) and ordinances (cities) as enabled by Massachusetts General Law Chapter 40A and subdivision regulations as enabled by Massachusetts General Law Chapter 41 are the predominant land use regulations in Berkshire County. Most of the zoning bylaws / ordinances in Berkshire County are based on the so-called "Euclidean" principles of zoning. Named after the Town of Euclid, Ohio and a landmark

Supreme Court decision that determined the constitutionality of municipal zoning regulation, Euclidean zoning is characterized by the segregation of land uses into specified geographic districts and dimensional standards stipulating limitations on development activity within each type of district. Advantages of this zoning scheme include relative effectiveness, ease of implementation, long-established legal precedent, and familiarity. However, Euclidean zoning is relatively inflexible and can result in a homogeneous landscape that requires parcelization and fragmentation of the landscape and reliance on cars for people to meet daily needs.

Figure LU2: Berkshire County Zoning



Source: BRPC, 2013

- **Unsophisticated zoning:** Except for some of the larger communities, most of the communities in Berkshire County have relatively simple zoning, characterized by the segregation of land uses into specified geographic districts and dimensional standards stipulating limitations on development activity within each type of district. Most of the zoning law in Berkshire municipalities does not contain so-called innovative zoning techniques. This has resulted in a relatively homogeneous development, primarily along road frontage. In addition, this lack of flexibility prohibits the recreation of existing development patterns, such as existing village centers.

- **Zoned land area:** Zoning is the primary tool municipalities have to regulate land use. Berkshire County is zoned as follows:

Residential (<.25 ac.) - 9,207 ac

Residential (.25-.49ac.) - 10,960 ac

Residential (.50-.99 ac.) - 29,324 ac

Residential (1-1.99 ac.) - 238,770 ac

Residential (2-2.99 ac.) - 133,357 ac

Residential (3-4.99 ac.) - 149,496 ac

Residential (5 plus) - 19,145 a

Commercial - 6,648 ac

Industrial—8, 752 ac

ANR Development

Approval-Not-Required (or "ANR") development refers to the subdivision of single lots with frontage on a public way. Under state law, lots on a public way that meet zoning dimensional requirements for frontage may be subdivided without substantive Planning Board review. Over time, ANR development will irreparably change the rural character of the Berkshires. ANR development compromises the scenic quality of roads by lining houses every 100-250 feet. Typical ANR development eliminates scenic vistas and wooded corridors, and may also alter the stone walls and large shade trees that help define many of the Berkshire roadways. ANR development impacts traffic safety because development is allowed on all public ways, even very narrow roadways with blind curves and hills. Roadside residential development fragments woodlands, wetlands and fields into remnant parcels too small or too isolated to support certain wildlife species or be used for farming or forestry purposes. It also over time develops land relatively inefficiently as remnant lands without adequate road frontage become less developable.

Land Ownership and Management

- Seasonal Homes: Almost 8,000 housing units, out of a total of 68,500 units (12%) are seasonal countywide. Most seasonal homes are in southern Berkshire, with 35-60% of the homes in 11 towns (all south of Lenox, except Hancock) being seasonal; 20-35% of homes are seasonal in another four towns, primarily south of Pittsfield. About 10-15% of homes built prior to 1975 are seasonal. Since 1975, the proportion of homes being built as seasonal residences has increased to over 1/3 of all new homes being built. It's expected that seasonal housing will continue to increase in its relative share of housing as the rate of seasonal home creation (new homes and conversion of year-round to seasonal) has averaged 2.35% per year for the last decade. This should result in an increase of over 4,700 new seasonal homes (a 59% increase) by 2030. Seasonal homes tend to be built on much larger parcels than non-seasonal homes, with over 50% of seasonal homes built being on more than 5 acre parcels while only about 25% of non-seasonal homes are built on parcels exceeding 5 acres. About half of non-seasonal homes are built on parcels of 2 acres or less; about 75% of seasonal homes are built on parcels exceeding 2 acres.
- Inefficient Use of Infrastructure: Up until 1975, 69-87% of homes were built in areas served by public water and sewer. Since then, most new homes built are not on public water/sewer, with 59% being on well and septic from 1975 to 1999 and almost 70% not built on public water and sewer from 2000 to present. Most development has occurred outside of areas reasonably able to be served by public utilities and thus are more removed from almost all public services. The decreasing density of development which is occurring is generally not feasible to serve with these utilities. There has been little expansion of infrastructure in the past several decades (extending sewer to Ashmere Lake in Hinsdale, Richmond Shores in Richmond, and Stockbridge Bowl in Stockbridge are the most sizeable extensions and were all done in order to correct existing water quality problems in the lakes caused by inadequate treatment of household sewerage). However, industrial water and wastewater use, as well as residential use due to smaller household sizes, has declined significantly since 1975, leaving several water and sewer systems significantly underutilized (Adams and Pittsfield specifically). More housing units do not have the benefit of public water for fire suppression, leading to an increased threat of fire losses.

As more population has dispersed to the smallest, more rural towns, public services generally are less available.

- Vacant Buildings: County-wide, about 2.5% of the housing units were vacant in 2010, which is up from 2.2% in 2000. With the exception of two very small southern Berkshire towns (which probably are statistical flukes due to their very small sizes), the communities with notably above-average vacancies are in northern Berkshire: Adams (4.7%), North Adams (4.2%), Florida (3.9%), and Savoy (3.9%). Pittsfield has, by far, the largest number of vacant units (502), followed by North Adams (284) and Adams (207). Both Pittsfield and North Adams have had fairly aggressive demolition programs to eliminate derelict/hazardous vacant buildings and if they had not done so, their vacant unit counts and percentages would have been somewhat higher. County-wide, vacant or underutilized historic mill buildings continue to be a challenge. These are most obvious in the historic manufacturing centers in the larger towns and cities but smaller mills can be located in smaller communities as well. In the larger downtowns, storefront vacancies can be an issue but this varies substantially among the downtowns. Those with significant tourism traffic tend to have few vacancies while non-tourism communities have more of a problem. Finding appropriate re-uses for upper stories in the downtowns is a particular challenge. Vacant school buildings are becoming a greater challenge, which probably will increase due to loss of school age population. Currently Great Barrington, Dalton, Adams and North Adams have this problem.

SOCIETAL CONDITIONS AND MARKET INFLUENCE

Large determinants of how land is used are broad societal conditions and market influences. Municipal land use policies and regulatory strategies directly affect and change those influences only in relatively small ways. Nonetheless, it is important to understand some of the broader influences to understand past influences on current land use and try to anticipate future influences to be able to adjust land use policies and regulations accordingly. Some of the more important influences in Berkshire County are listed below.

- **Personal Life Style Choice:** Personal preference is a large determinant of land use. Rural lots are bigger than the minimum required because people want to be in a rural setting away from neighbors, and have the financial capability to afford to live in those areas. Similarly, the growth in automobile availability and usage from after World War II to at least 2000 meant that workers no longer needed to live in close proximity to work places. Prior to 1950, most homes in the Berkshires were built on less than half acre lots, mostly quarter acre lots. Since the 1950s this trend has changed. Since 1975 most homes were built on 3 acre and above lots, with the trend magnified since 2000. This trend is especially prevalent is the south Berkshires which has seen an increase in second homes.

- **Declining Manufacturing:** Through the 1970's manufacturing was the dominant economic engine in the county. Since that time Berkshire County, like most of the northeast, suffered from the global shift in manufacturing in the latter part of the 20th century. Large manufacturers, notably GE, left Berkshire County. The manufacturing industry was a large determinant of the

settlement pattern of the county with the mills and manufacturers following the water power supplied by the major rivers and streams and the towns and cities rising around those mills. Workers often walked to work from neighborhoods surrounding the manufacturing plants. This contributed to relatively compact development patterns. The location of manufacturing facilities now is not particularly dependent on immediate proximity to workforce, although highway and utility access is important. These influences result in a less compact development pattern.

- **Broadband Influence:** As of the end of 2013, every municipality in Berkshire County has an open-access fiber-optic network connection – the so-called middle mile – to their community. Soon a sustainable business model to build the "last mile" and bring high speed internet access to individual households and businesses will be available. The land use implications of this are unknown. The potential exists for more large lot development in remote areas as professionals will be able to more easily work out of their homes and not have to be located in a specific office space. This could exacerbate the Berkshire version of sprawl. The provision of this service could, however, help stem the population decline in the county by making Berkshire County an attractive location for these professionals and for a variety of businesses which rely on high speed internet access.

- **Passenger Rail Line Extension Influence:** The land use implications of an active passenger rail line between New York City and Pittsfield are difficult to anticipate. The location and types of stations will play a large role in future land use patterns. Stations located outside of downtown areas with sprawling parking lots and poor pedestrian connectivity will encourage additional automobile centered sprawl development and consumption of open spaces. Conversely, stations located within downtown areas with pedestrian connectivity to nearby existing residential, commercial, food service and places of accommodation will encourage more compact, pedestrian friendly, mixed-use development and the reuse of existing buildings and infrastructure. The entity that owns and constructs the passenger rail station will ultimately determine the passenger rail station locations subject to varying levels of local control. As a general matter, railroads and the Commonwealth of Massachusetts are exempt from local zoning regulations except for site planning issues, such as lighting, screening, parking, signage, etc. Municipalities and private entities are subject to local zoning regulations, although some local zoning regulations exempt municipal uses. In the end, regardless of who makes the decision, the location of the passenger rail station will determine whether we continue sprawl development or start down a more sustainable path of compact, pedestrian friendly, mixed-use development. Downtown stations require more creative solutions, especially for parking, but the cost of continuing automobile centered sprawl development will ultimately become unsustainable.

Opportunities and Challenges

Sprawl

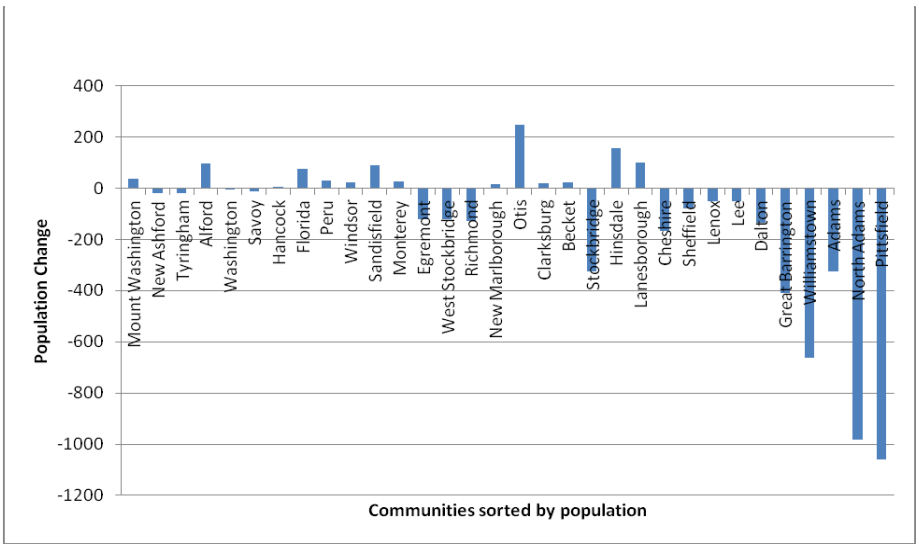
Sprawl is the term used to describe a low-intensity, decentralized and scattered pattern of development. It can result in the de-population and abandonment of traditional urban centers, consume open land in outlying areas and change the character of rural communities. Sprawl and a consumptive pattern of land

development remains a problem for the Berkshires. Frontage lot, subdivision, and commercial strip development along major roads has continued to blur the boundaries between village and town centers and outlying rural areas. Sprawling development patterns continue to slowly erode the very quality of life which makes the Berkshires a desirable place to live and visit.

The impacts of this development pattern are environmental, economic and fiscal. Environmental issues include fragmentation of critical wildlife habitat, increases in air pollution from traffic, and degraded water quality due to runoff from impervious surfaces and a reduction in recharge to our rivers, streams, and aquifers. Fragmentation of large land parcels impacts resource based economic development, such as farming and forestry as well by removing land from these uses and increasing the likelihood of use conflicts with newly established residential use. Economic impacts are also felt by the tourist industry as the rural landscape of the Berkshires is a strong influence on that industry. Fiscal impacts occur as well as previously made investments in urban areas, such as roads, public water and sewer systems become underutilized and unable to be adequately maintained due to a declining tax base. Fiscal impacts are also incurred by small towns now asked to provide additional services, such as police and ambulance.

- **Population Growth in Small Towns:** The total population and number of housing units in small towns his increased. There are 12 towns in Berkshire County with a 2010 population of less than 1,000 year round residents. Between 2000 and 2010 the population of these towns, Mount Washington, New Ashford, Tyringham, Alford, Washington, Savoy, Hancock, Florida, Peru, Windsor, Sandisfield, Monterey, increased by over 4.4% During this same period the overall population of Berkshire County declined by 2.7%. There are 12 towns in Berkshire County with a 2010 year round population of between 1,000 and 5,000, Egremont, West Stockbridge, Richmond, New Marlborough, Otis, Clarksburg, Becket, Stockbridge, Hinsdale, Lanesborough, Cheshire, Sheffield. Between 2000 and 2010 these towns collectively decreased in population by 1.5% with only the Town of Otis showing any significant population increase. In 2010 there were 6 towns and 2 cities in Berkshire County with population greater than 5,000, Lenox, Lee, Dalton, Great Barrington, Williamstown, Adams, North Adams and Pittsfield. Collectively the population of these municipalities declined by 3.5% between 2000 and 2010.

Figure LU3: Berkshire County Population Change, 2000-2010



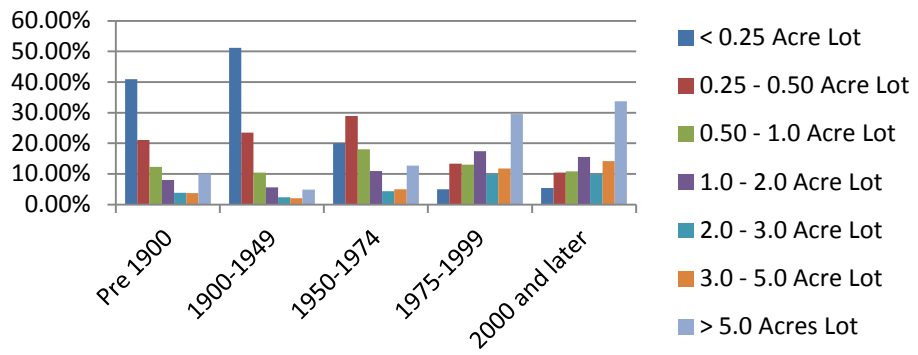
Source: US Census

- **Residential Development in Small Towns:** Corresponding to the increase in population the small towns (those under 1000 population) have seen increase in housing units since 2000. Collectively over 600 housing units were built in these towns since 2000. This is 12% of the total number of units in these towns. Although these communities contain only about 6% of the county population, nearly 17% of the housing units built since 2000 were built in these communities.

Land Consumption

Almost 50% of the land area zoned for residential use in Berkshire County is zoned for less than 2 acres per lot. Many small towns are one zone towns with typical minimum lot sizes being 1 to 1.5 acres. Prior to 1950, most residential units in the Berkshires were built in lots less than 0.25 acres. Between 1950 and 1974 most residential units were built on lots .25-.50 acre. Since 1975 this trend changed significantly with many homes built on lots greater than 5 acres. Since 2000, 33% of the residential units built in Berkshire County have been built on lots greater than 5 acres. Based on zoning, most homes since 1975 have been built in 1-2 acre zoning districts, even though the actual lot size is over 5 acres. This is contrary to earlier times when the majority of homes built prior to 1950 were built in areas zoned less than 0.25 acre. Thus traditional "Euclidean" zoning is inadequate to prevent fragmentation by large lots of the rural landscape.

Figure LU4: Percent of Buildings Built Compared Lot Acreage



Source: BRPC, 2013

LAND USE THROUGH THE SUSTAINABILITY LENSES

A well coordinated Land Use Plan and accompanying regulations and policies can significantly advance long-term regional sustainability. A few key contributions are discussed below as they relate to the three sustainability lenses.

Economic Development

- **Land Use Policies and Regulations Stimulate New Economic Development**: Land Use plans that clearly identify locations desired for new development and that have been agreed to by the community can help attract new development. Policies that systematically direct public investment for infrastructure improvement or expansion to those areas make them more development-ready and can help attract desired new development. A transparent and streamlined permitting process can reduce upfront development costs and are typically cited by the development community as a very critical component in their decision-making process.
- **Land Use Policies Stimulate Re-Development**: Redevelopment of the Berkshires' many underutilized or vacant buildings (including mill buildings), could help stem the tide of economic and population decline. These building are frequently located in or near downtown areas. Zoning bylaws that facilitate re-development of these structures to mixed use activity hubs could help attract new residents to the Berkshires.
- **Land Use Policies Protect Prior Investment:** Land use plans and policies that emphasize re-development of urban areas, villages and other settled areas support existing businesses in those areas and can help to attract complementary businesses. These plans and policies should also encourage new residential development or re-development to support those businesses.
- **Land Use Policies Sustain the Tourist Economy:** The Berkshire landscape, along with the cultural attractions, is one of the primary reasons tourists visit the Berkshires. Land use policies that maintain the Berkshire landscape will keep the Berkshire desirable as a tourist destination.
- **Land Use Policies Sustain Resource-Based Businesses:** Maintaining both commercially viable forest and agricultural lands with enough size and scale to maintain forestry-based and agricultural businesses, i.e, productive farm operations, is critical to maintaining those as part of the region's economic base. Both land use regulatory policies (natural resource zoning, for instance), and land protection programs (APR, conservation restrictions, etc.) are useful tools in sustaining resource-based businesses in the region.

Social Equity and Capital

- **Community Character and Identity:** Defining features of the Berkshires include the distinct rural landscapes, both forested and agricultural, the small villages, and town and city centers. Sprawling development is compromising those features. Land use plans, policies and regulation can help maintain those distinct land forms thereby strengthening the Berkshire internationally known iconic identity.
- **Combating Urban Blight:** Land Use Plans and policies can be used to target public investment and re-investment to blighted areas thereby improving the quality of life for all

residents. This is particularly important to lower income and minority residents who tend to be clustered in a few areas. If investment and re-investment does not occur in those neighborhoods, their quality of life is even more compromised. Blighted sites and areas tend to have a negative impact on the surrounding neighbors and even entire communities, with wholesale abandonment as has been seen in places like Detroit being an extreme outcome.

Minimizing Environmental Impact

- **Land Use Policies and Regulations Prevent Parcel Fragmentation:** Plant and wildlife species frequently need large tracks of land to thrive or sustain. They also need connectivity to other natural areas, such as water courses or wetlands. Scattered large lot residential development in large undeveloped areas can threaten these species. Master plans and accompanying zoning bylaws that limit development in sensitive environmental areas help prevent parcel fragmentation.
- **Land Use Regulations Impose Environmental Development Standards:** In areas where development is desired or allowed, regulations, such as zoning bylaws and subdivision regulations can impose environmental standards, such as limiting the amount of impervious surface, to protect environmental resources.
- **Land Use Policies Minimize Contributions to Climate Change:** Land use policies that improve the functionality and attractiveness of existing settled areas can contribute to a reduction of automobile use and resulting emissions.

Land Use Planning Process

The goals and policies set forth in this document were identified through a multifaceted public involvement process that engaged municipal officials and the public in a strategic discussion of the role and vision for the future land use of the region.

Stakeholder Group

A stakeholder group of community representatives including town planners and planning board members participated in three meeting to help develop the Land Use element of the plan. In addition, the stakeholder group was provided with draft materials to review background information and develop and refine goals, policies and strategies.

Public Open House

Two open house events were organized and held in Great Barrington and Pittsfield to present the draft goals and policies for public review and comment. These also highlighted mapping showing existing land use, zoning and the Future Land Use Plan Map.

LAND USE VISION

Vision: *Berkshire County residents, businesses, cultural institutions and municipalities enjoy and actively work to maintain the rich landscapes and settlement forms of the county. The distinction between the rural and urbanized areas is maintained and reinforced. Rural towns maintain large blocks of undeveloped areas for resource and tourist-based economic development and environmental enhancement. Villages and town centers remain vibrant activity centers where residents and visitors meet basic needs and enjoy strong social engagement. Town centers and the region's cities are activity hubs offering a robust blend of economic and social opportunities that serve existing residents and businesses and attract new ones to the region. Investments made previously to the built environment are maintained and expanded through an extensive program of targeted reinvestment and revitalization. The region's leaders work together to develop, coordinate and implement methods to attract new development to the region which capitalizes on and enhances the region's aesthetic attributes, maintains important natural resources while allowing economic growth.*

ACHIEVING THE VISION

This vision will be achieved through the collaborative action of the public and private sectors, with residents, businesses and municipal governments working in tandem to pursue and implement strategic actions in three main areas as relates to land use:

1. **Land Use Structure:** Berkshire County establishes a land use framework for development. This framework includes the types of places the region wants to foster and the land use patterns that will be encouraged in each of those places. The Land Use Map and accompanying land use criteria is used to guide development decisions, infrastructure improvements, and public and private investment in Berkshire County. A series of strategies to guide the desired form and character of different types of development is also contained. The strategies set the stage for planned amendments to zoning bylaws and ordinances as well as municipal policy decisions.
2. **Planning Tools, Techniques and Capacity:** Planning officials employ long range planning tools and techniques to achieve the desired future.
3. **Maximize Investment and Resources:** Municipal officials, business leaders, non-profit leaders, other county leaders and state officials work together to maximize the prior investments that have been made in the region and increase public and private investment in Berkshire County by prioritizing the best locations for new economic and housing development and lands for preservation.

The following sections present current conditions, opportunities and challenges, and the regional goals, policies, and strategies for historic preservation in these three areas.

1. LAND USE STRUCTURE

Berkshire County has several notable and distinct land settlement patterns and environments. These patterns give the Berkshires a distinct identity and make the Berkshires a desirable place to live, work, recreate, and visit. The Berkshires built and natural environment is comprised of the following types of places: Resource Conservation Areas, Rural Residential Areas, Outdoor Recreation Neighborhoods, Residential Neighborhoods, Urban Neighborhood, Villages, Highway Commercial Areas, Downtown Commercial Areas, Industrial Areas and Special Use Areas. To maintain these distinct settlement patterns will require municipalities to work together to implement a coordinated set of actions.

FUTURE LAND USE PLAN

A Future Land Use Plan establishes a land use framework for development. It is an expression of the Region's intent about the types of places the region wants to foster and the land use patterns that will be encouraged in each of those places. It translates values into a scheme that describes how and where to build, rebuild or conserve the Region. The Future Land Use Plan recognizes existing land use patterns and environmental constraints. It also considers potential future development, infrastructure improvements and economic trends. The Future Land Use Plan contains the following components:

- **Land Use Plan Categories:** The Land Use Plan Categories identify the broad classifications of areas found and desired in the region. Contained within the categories are some predominant types of uses as well as some suggested densities.
- **Future Land Use Map:** The Future Land Use Map geographically illustrates desired future land use areas. The Future Land Use Map does not share the same legal status as a Zoning Map. It should be considered a guide, expressing the Region's vision for the future. It should be used to influence future land use decisions, not regulate the activities in specific areas.
- **Land Use Plan Implementation Tools**: The Land Use Plan Implementation Tools identify some of the most common land use planning tools that communities can use to implement the Plan.

Use of the Future Land Use Plan

The Future Land Use Plan is intended as a guide for new development and re-development activities in Berkshire County. It is not a regulatory mandate. Municipalities should consider the Future Land Use Plan when preparing new or updated Master Plans, amending zoning or other land use regulations, making decisions about infrastructure expansion or improvements and reviewing development proposals. Other organizations and agencies should support the municipalities in their efforts.

LAND USE CATEGORIES

The following table contains a description of the land use categories for the Future Land Use Map as well as some primary and secondary uses to be featured in these areas and suggested densities.

Table LU1: Future Land Use Categories

Future Land Use Category	Description	Uses
Resource Conservation *Density: Very low*	This land use category denotes those lands currently protected from development. It contains state owned land as well as lands protected by conservation restrictions held by towns and non-profit organizations such as land trusts. These lands contain critical habitat, provide biodiversity and offer recreation resources. They provide connectivity of other resource areas and provide corridors for wildlife. Typically they have many constraints to development including habitat and slope constraints. The scenic nature of many of these areas, including view sheds and landscapes, is a contributing factor to the Berkshires being a tourism attraction.	Primary • Open Space • Recreation • Habitat preservation Secondary • Forestry • Watershed protection
Rural Residential *Density: Low*	This land use category represents areas where low-density residential development either exists or in many instances could occur, although in many instances there are severe constraints to development that would preclude any development. These areas are largely outside of the downtowns and more developed areas and help connect more developed areas with the surrounding conservation areas. They serve as important agricultural areas. They generally lack public utilities and residents should not expect a high level of public services. These areas also dominate most of the smaller towns outside of the valley communities and contribute to the rural character of the region. These areas are also where additional conservation protection is targeted but also may serve as areas for wind energy development. The emphasis here is to maintain a distinct rural identify and landscape and ensure that low density development in these areas employs best practices for wildlife-friendly landscaping, stormwater management, and resource protection.	Primary • Single-family residences • Agriculture Secondary • Duplexes • Home-based businesses • Rural small businesses • Resource based economic development
Outdoor Recreation Neighborhood *Density: Medium to High*	These areas are medium to high density neighborhoods around lakes, ski or other resort areas. They are located there because of the lake or resort. Much of the time they serve as second homes. They are important assets to the recreational economy of the Berkshires. Care needs to be given not to degrade the recreational asset or impair associated environmental qualities, which could then degrade the economic value as a recreational resource.	Primary • Single family residences • Condos • Recreation Secondary • Supporting retail /commercial • Home-based businesses
Residential Neighborhood *Density: Medium to High*	This land use category represents areas of medium to high density residential development. This is the Berkshires version of the suburbs. These areas often surround Downtown and Urban Areas. They are primarily single family homes with some duplexes and apartments. They are largely auto-dependent and do not contain a broad mix of services or retail opportunities for residents.	Primary • Single-family residences • Duplexes • Apartments Secondary • Small scale gardening • Home-based businesses
Urban Neighborhood *Density: High to Very High*	This land use category contains predominantly high density residential development in an urban environment. Only found in Pittsfield, North Adams and Adams these areas contain single and multi-family residences in close proximity to each other. A diverse mix of residents populates these areas. Residents feel closely linked to the activities happening downtown and to the associated neighborhood style retail, service and employment opportunities. Services such as corner stores provide the opportunity for social engagement.	Primary • Single-family residences • Duplexes • Apartments • Condos • Multi-family

Future Land Use Category	Description	Uses
	High quality public services are generally provided. Pedestrian and cycling infrastructure help connect residents to opportunities and assets in their neighborhood as well destinations around the community. Served by municipal infrastructure, these areas can accommodate a large number of residents.	residences • Neighbor-hood commercial and retail Secondary • Community services
Villages *Density: Medium*	Mixed use neighborhoods are what are commonly referred to as village centers in rural areas. Though primarily residential in nature, these areas contain an eclectic mix of uses that can provide for many of the needs of the residents without the use of cars. Generally pedestrian friendly, these areas can foster a strong sense of community connectedness.	Primary • Residential Secondary • Community retail • Community services • Home-based businesses
Highway Commercial *Density: Medium to high*	These areas provide retail, commercial, and professional services to Berkshire County residents. Close proximity to and along major highways allows easy access to these sites. Most are served by infrastructure. Public transit generally serves these sites. Some of the largest shopping areas are located in these sites. While serving an important function, consideration will need to be given to the design so as not to impede the flow of traffic. Appropriate reuse of the buildings in these areas can reduce development on green fields.	Primary • Retail • Professional office • Hotel / motel Secondary • Storage / warehousing
Downtown Commercial *Density: Very high*	These areas are high energy urban centers. They contain high density mixed use multi-story buildings in close proximity to each other. A wide mix of land uses is contained within these areas offering basic as well as specialized services along with municipal services and cultural opportunities. Residential opportunities, especially on upper floors, are provided. There is a space for residents and visitors of all ages and backgrounds to enjoy social engagement, recreational activities and cultural events. Pedestrian accessibility is a strength in these areas.	Primary • Retail • Medical service • Professional service • Cultural amenities • Senior housing • Apartments • Restaurants • Residential Secondary • Urban recreation • Light manufacturing
Industrial *Density: Low to high*	These areas serve as employment centers and house a number of the region's significant employers. They have major infrastructure needs. Arterial highway access typically is very important. Transit service should be available. There may be a variety of development types – larger single-user sites and campuses; multiple users on planned or individual sites; wide variety of non-retail uses; retail should not be major component. They generally are provided with the full range of public utilities and other infrastructure (rail, gas, arterial highway access, water & sewer). There are a wide variety of sites and buildings ready to be used.	Primary • Manufacturing • Industrial, • Energy & Infrastructure, • Freight/Goods Movement, • Transportation Secondary • Supporting Commercial, • storage/warehousing
Special Use Area *Density: Medium to high*	These areas contain educational institutions, hospitals, airports and cultural institutions with relatively large land holdings (frequently prior "Great Estates".) They are areas that are relatively self-contained but exert a strong influence on the surrounding areas. They can serve as activity centers used by relatively large numbers of people on a periodic or regular basis. In many instances they have their own facilities plan.	Primary • Educational institutions • Hospitals, • Airports, • Cultural Institutions Secondary • Supporting commercial

Future Land Use Map

The Future Land Use Map was determined based on existing land use, existing densities and community input. Initially, residential parcels were grouped together into neighborhoods based on parcel size, condition and valuation. These neighborhoods were then classified into the future land use categories based upon their predominant characteristics. Commercial and industrial areas were then added based on MassGIS 2005 land use and parcel records. Additionally, recreationally based areas, such as ski resorts, golf resorts and lakeside communities were delineated and added to the Future Land Use Map. The resulting maps were then commented on by the communities and the public, which resulted in the final Future Land Use Map.

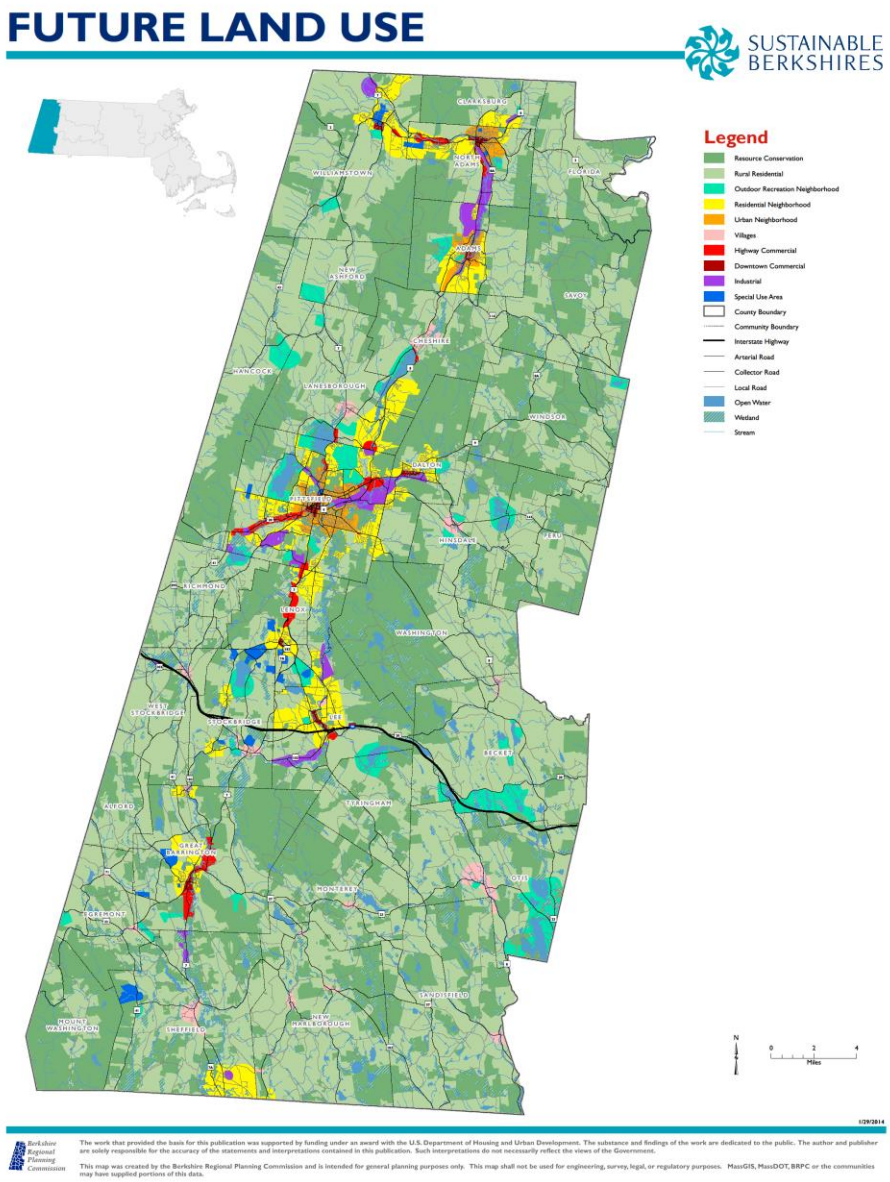


Figure LU5: Future Land Use Map

OPPORTUNITIES AND CHALLENGES

The following table identifies the major challenges facing these areas. The Goals, Policies and Strategies and the tools and techniques are designed to address these challenges.

Table LU2: Future Land Use Opportunities and Challenges

Future Land Use Category	Description of Challenge
Resource Conservation	***Challenges:*** The underlying attributes to these areas are threatened by climate change and invasive species. Biodiversity is at risk. Lack of management resources can also contribute to degradation of these areas. Maintaining the scenic integrity of these areas is important.
Rural Residential	***Challenges:*** The inconsistent development patterns along the roadways are the greatest threat to this area. Large lot requirements, conventional subdivisions and more development will contribute to fragmentation of habitat areas. It will be important to maintain biodiversity and maintain wildlife corridors. Maintaining agricultural use will be important not only for economic purposes but to maintain the rural character of these areas. As the population of the Berkshires continues to age, providing services to a dispersed population will be a challenge. Inappropriate signage and over designed and constructed / re-constructed roads are threats to these areas.
Outdoor Recreation Neighborhood	***Challenges:*** These areas are susceptible to climate change, such as with changing snow levels. How these areas get re-purposed, if necessary, will be important factors in maintaining their rural character. In many instances these areas are located in communities without appropriate regulatory tools. Intense storms could degrade these areas as well. These areas are economically dependent on tourism and a strong residential base. If that base weakens, uses in these areas could be jeopardized. Maintaining a balance between protecting private property rights and allowing public access, especially for townspeople, is a challenge. Property affordability may preclude use by a wide range of people. To protect the underlying natural resource may require public infrastructure, such as water and sewer. Funding for such would be a problem. The inconsistent patchwork of development patterns in these areas also compromises them. Green spaces in some sections need to be maintained.
Residential Neighborhood	***Challenges:*** It will be important to maintain and provide quality infrastructure and services to these areas. Maintaining the quality of housing in these areas will also be important, especially as the population of the Berkshires ages. It will be important to respect the existing architectural style and scale of building cohesion with new building projects, blending it into the adjacent surroundings. Making or maintaining these areas as pedestrian friendly will be a challenge. These areas could change substantially as the population of the Berkshires continues to get older. Managing manifestations of increased impervious surfaces will be important, especially in the face of climate change impacts.
Urban Neighborhood	***Challenges:*** Keeping these areas safe (and improving the perception of safety) is a challenge. Declining populations could lead rapidly to physical degradation of these areas. An important need is to attract newcomers to these areas. Connectivity to downtowns, through transit or walking routes, needs to be encouraged. Maintaining the "neighborhood" feel of these areas, through such items as architectural style, building scale, and aesthetics, through such items as signage, will be important, including neighborhood style retail establishments. Providing adequate green spaces for residents will make these areas more livable. Maintaining private investments in these areas, especially in light of the Berkshires changing demographics, will be a challenge.

	Future Land Use Category	Description of Challenge
	Villages	***Challenges:*** Small retail and public service (i.e. post offices) establishments are key in these areas, serving as social gathering places and as cornerstones for community identity. Maintaining the economic viability of small, geographically isolated businesses will be important. It would be desirable to have these centers connected by public transit. Design considerations for new development or re-development are key to maintaining the integrity of these areas, including keeping these areas pedestrian friendly. Lack of public water and sewer are impediments to reinvestment. In many instances, zoning precludes the re-creation or expansion of these areas. Conversion to tourist uses hinders the community social aspects of these areas.
	Highway Commercial	***Challenges:*** These areas need to be more pedestrian friendly. They need to be served by non-automobiles. Attention needs to be giving to aesthetics and design, including road related infrastructure, new development and re-development, to enhance the Berkshires overall character. Inability to exceed road capacity impedes the overall functionality of these areas. Poor local land use and signage standards and lack of good site plan standards and reviews results in increasingly unattractive strips.
	Downtown Commercial	***Challenges:*** Addressing the real or perceived parking concerns is needed to improve use of these areas. While these areas are generally pedestrian accessible, maintaining and improving pedestrian safety, bike ability and walkability will be important to maintain these areas as vibrant centers. Maintaining the aesthetic and historic integrity of these areas will be paramount, especially not allowing these areas to assume a "suburbanized" look. There needs to be a critical mass of businesses to allow uses to be financially viable. High cost of modernization or redevelopment is an impediment. Encouraging more residential use, and thereby bringing in more customers and repurposing large multi-story downtown buildings are needed to maintain vibrant downtown areas.
	Industrial	***Challenges***: The historic integrity of some of these areas, for example historic mill buildings, is integral to community identity. However, the cost of redeveloping these structures generally is higher than building a new building. Design considerations, such as higher quality façade design and landscaping are important, but working with developers to achieve these items is challenging. Maintaining those structures in the face of a changing economy will be challenging. Although the potential for past contamination exists, the reuse of existing buildings and sites will help prevent development on green fields. The retention or attraction of employers is key to maintaining this land use. Connectivity to adjacent areas needs to be established in many cases.
	Special Use Area	***Challenges***: Appropriately integrating these areas with the surrounding areas involving current activities and possible future changes needs to occur to have these uses remain strong assets to the community. Parking, transportation access and infrastructure adequacy are concerns. Involvement of municipal officials in future expansion or re-development is necessary. Retaining the character of the "Great Estate" properties facing possible development pressure will be a challenge.

TOOLS AND TECHNIQUES

Area communities can use a range of tools to achieve desired land settlement patterns. Following are some common tools municipalities can use to implement the Future Land Use Plan.

Berkshire Scenic Mountain Act (BSMA) – The Berkshire Scenic Mountains Act is an opt-in provision of Massachusetts General Law (Chapter 131 § 39A) that allows cities and towns to impose additional regulations on the mountainous areas within its boundaries. For example, a town may adopt a regulation that new projects proposed to be built at an elevation above 1,000 feet shall not be visible above the ridge-line. There are similar zoning tools (steep slope zoning, for instance) which can achieve some of the same results.

Corridor Management Overlay District – A corridor management overlay district is an overlay zoning district that alters regulations in the underlying zoning district necessary to improve the safety and flow of traffic through an automobile corridor. For example, a regulation in the overlay district may limit the number of access points into the corridor from a single lot or require that driveways be spaced a certain distance from one another. The regulations may also contain standards for signage.

Form Based Zoning – Unlike conventional zoning which focuses on the segregation of uses and the density of development, a form based zoning code addresses the spatial relationship between buildings and the public spaces, the form and mass of building in relation to one another and the scale and type of streets and blocks.

Home Occupation Ordinance/Bylaw – A home occupation ordinance or bylaw allows an occupation or business to be operated as an accessory use to a residence. Home occupation regulations oftentimes limit the types of occupations/businesses that may occur, hours of operation, signage and number of employees to protect the residential character of the neighborhood.

Inclusionary Zoning – An inclusionary zoning bylaw requires that a certain percentage of housing units in a project be reserved as affordable for low to moderate income households.

Local Wetlands Bylaw – A local bylaw provides additional protection to wetlands beyond the protections of the Massachusetts Wetlands Protection Act (M.G.L. c. 131 § 40).

Low Impact Development (LID) Bylaw – A low impact development bylaw contains minimum standards and procedures reflecting best management practices to prevent and mitigate against post construction stormwater runoff and soil erosion.

Mixed Use Zoning Ordinance/Bylaw – Conventional zoning focuses on the segregation of different types of uses (i.e. residential, commercial, industrial). In contrast, a mixed use zoning bylaw permits and encourages different categories of uses in a single district or on a single lot.

Natural Resource Protection Zoning (NRPZ)/Open Space Residential Design (OSRD) – Natural resource protection zoning (NRPZ), also known as Open Space Residential Design, is a zoning designed to ensure that the protection of natural resources and open space is an important component of every subdivision of land. Through a conservation analysis and development formula the NRPZ process results in a subdivision containing a cluster of units on a portion of the property most suitable for development with the remaining portion (containing the most important natural resources) permanently protected from development.

Resource Protection Overlay District – A resource protection overlay district is an overlay zoning district that alters regulations in the underlying zoning district necessary to protect the identified natural resource. For example, an aquifer protection overlay district that is intended to protect a drinking water aquifer may prohibit land within the overlay district from being used as a fueling station or dry cleaner.

Site Plan Review – Site plan review is a development review process that gives a designated municipal board the authority to review and impose conditions on a development project prior to the issuance of a building permit. In contrast to the discretionary special permit review process, site plan review is considered a by-right development review tool that cannot be used to deny a proposed project. The result of the site plan review process is most often an approved site plan with conditions imposed on the development project to mitigate anticipated adverse impacts. The approved site plan with conditions then becomes part of the building permit application. The site plan review process is used most often for desirable land uses that warrant a more in-depth review based upon the potential for adverse impacts. The site plan review process is also used to review those exempt land uses set forth in Massachusetts General Law Chapter 40A §3 which a municipality may reasonably regulate, but not prohibit such as agricultural uses or religious and education uses.

Transfer of Development Rights – Transfer of Development Rights is a regulatory system that allows development rights to be transferred from land located in a sending district to land located in a receiving district. The land from which the development rights came from is permanently protected while the land in the receiving district to which the development rights are applied may be developed at a greater density. The TDR system discourages sprawl by protecting open space and encouraging more dense development in areas appropriate for growth.

Village Center Zoning – A Village Center Zoning bylaw allows for the reproduction of the historic village development pattern by relaxing dimensional and parking standards while allowing for a mixture of commercial and residential uses that commonly occurred in the historic village areas.

Compact Neighborhoods Policy

The Massachusetts Department of Housing and Community Development offers additional incentives to municipalities that adopt zoning to promote housing for working families of all incomes and smart growth. Effective November 14, 2012 for the purpose of this policy these zoning districts are called "Compact Neighborhoods."

A municipality must complete these three requirements to participate:

1. Identify an "as of right" base or overlay zoning district (Compact Neighborhood)
2. Request & Receive a letter of eligibility from DHCD, confirming that the zoning district is in an "Eligible Location" and that the zoning meets all other applicable requirements
    - Areas near transit station: bus, train, commuter rail, and ferry terminals all apply
    - Areas of concentrated development: city & town centers, other existing commercial districts with the city or town, and existing rural village districts

- Areas that by virtue of their infrastructure, transportation access, existing underutilized facilities and/or locations make highly suitable places for residential or mixed use smart growth zoning districts

3. Adopt the Compact Neighborhood Zoning, submit proof of local adoption and receive a Letter of Certification from the Department

The Compact Neighborhood Zoning must:

1. Allow for minimum number of "Future Zoned Units" in the Compact Neighborhood, which is generally 1% of the year-round housing units in that Community
2. Allow 1 or more of the following minimal densities:
   - 8 units per acre for "Developable Land" zoned for multi-family residential (2 or more families) or at least 4 units per acre for "Developable Land" zoned for single-family residential use
3. For "Projects" with 12 units or more 10% of those units must be "Affordable"
4. Not impose restrictions on age or any other form of occupancy restrictions upon the Compact Neighborhood as a whole (However, specific "projects" can cater to elderly citizens or persons with developmental disabilities)

Once a municipality creates a "Compact Neighborhood" and it has received certification from Department of Housing and Community Development it is then eligible for preferential treatment for certain discretionary funding programs from the state, such as the MassWorks infrastructure grant program.

GOALS, POLICIES, AND STRATEGIES

The following goals, policies and strategies will be pursued to achieve the region's land use vision:

GOAL LU1.1: Work together as a region to implement the Future Land Use Plan.

Policy LU 1.1.1: Update plans and regulations to be consistent with the Future Land Use Plan.

Strategy A: Ensure New Municipal Comprehensive Plans or Plan Updates Include the Future Land Use Plan Map

As cities and towns update or prepare Comprehensive Master Plans, Berkshire Regional Planning Commission staff should make planners in those municipalities aware of the elements of the Future Land Use Plan and work with those planners to integrate elements into those planning efforts.

Strategy B: Municipal Planning Boards Implement Needed Zoning Changes

As one of the primary land use determinants, municipal zoning should reflect the Future Land Use Plan. Berkshire Regional Planning Commission should work with municipal officials to amend zoning consistent with the Future Land Use Plan as opportunities present themselves.

Strategy C: Municipal Development Reviews Make Decisions Consistent with Future Land Use Plan

Review and approval of development projects provides the opportunity for municipal planners to implement appropriate elements of the Future Land Use Plan such as principles embodied by low impact development or site design considerations through site plan review. Berkshire Regional Planning Commission should work with municipal planners on such reviews, especially those going through the Massachusetts Environmental Policy Act.

GOAL LU1.2: Develop in a way that complements environmental and natural assets of the region.

Policy LU 1.2.1: Adopt land use regulations that encourage redevelopment, allow complementary new development and protect environmental and natural resources.

Strategy A: Adopt Low Impact Development Ordinances / Bylaws

Low impact development ordinances / bylaws are important tools to maintain water quality and provide recharge. These bylaws / ordinances can improve the aesthetic quality of development projects by increasing natural vegetation and minimizing impervious surfaces. Planning Boards should work to develop these bylaws/ordinances for adoption by the cities and towns to maintain and improve environmental quality. As an added benefit, development resulting from these bylaws generally contains a substantial amount of vegetated matter which is generally more pleasing to the public than impervious surfaces.

Strategy B: Adopt Resource Protection Overlay District Ordinances / Bylaws (such as water supply protection bylaws)

Natural resource protection zoning of some type has been adopted in two-thirds of the Berkshire municipalities. These bylaws mostly address floodplains, but also focus on water quality and upland protection. Overlay districts are valuable tools because in most instances they do not change underlying zoning requirements for minimum lot size or frontage but may limit or condition certain uses that may impact the resource desired to be protected. Berkshire Regional Planning

Commission should work with municipal planners to identify possible appropriate resource protection bylaws and assist municipalities with adoption of those bylaws.

Strategy C: Promote Adoption of the Berkshire Scenic Mountain Act

As of 2013, 7 Berkshire towns, Richmond, Lenox, Stockbridge, Alford, Great Barrington, Monterey and Tyringham, have adopted the provisions of Berkshire Scenic Mountain Act. This is an important tool to maintain scenic qualities of high elevation locations in Berkshire County. Berkshire Regional Planning Commission, working with municipal Conservation Commissions, should prepare informational material about the Act and assist with the adoption of the Act by municipalities.

Strategy D: Promote Adoption of Local Wetlands Bylaws

As of 2013, 4 Berkshire towns, Great Barrington, Peru, Richmond and Stockbridge, have adopted local wetlands bylaws. These bylaws are important tools to protect water related resources. Berkshire Regional Planning Commission, working with municipal Conservation Commissions should prepare informational material about local wetland bylaws and assist with the adoption of bylaws by municipalities.

Policy LU 1.2.2: Encourage development projects to utilize sustainable development practices through a mix of incentives and requirements.

Strategy A: Prepare a Comprehensive Package of Sustainable Development Practices for Municipal Implementation

Sustainable development refers to a broadly defined concept whereby the needs of present day generations are met without jeopardizing or compromising the ability of future generation to meet their needs. As the understanding of current day impacts of humanity increases so shall the latest best practices for sustainable development practices evolve. As a resource for Berkshire County municipalities, the Berkshire Regional Planning Commission should keep informed of latest sustainable development practices, convey them to appropriate municipal officials and boards and assist with implementation.

GOAL LU1.3: Limit fragmentation of remaining undeveloped land.

Policy LU 1.3.1: Adopt land use regulations that encourage redevelopment and allow new development that minimizes the development footprint and its ecological impact.

Strategy A: Explore Transfer of Development Rights at the Municipal and Regional / Sub Regional Level

Berkshire County offers two key pre-requisites for a successful transfer of development rights programs. It has locations that have been experiencing population decline and would like to attract or retain population, mostly the two cities but also other urbanized areas in the county. These locations could serve to be the so-called receiving areas in a transfer of development rights program. The higher densities in these areas resulting from a transfer of development rights would be able to be served by the pre-existing infrastructure, in many instance currently underutilized. Berkshire County also has areas that would prefer to have limited development. These areas could be the so-called sending areas. A regional or sub regional transfer of development rights program would be a complex endeavor to implement, but if successful could serve to help revitalize and reinvigorate urban areas as well as maintain rural areas. Berkshire Regional Planning Commission should take the lead to explore this potential tool.

Strategy B: Adopt Open Space Residential Design Bylaws

Dalton and Great Barrington are two Berkshire communities that have adopted open space residential design bylaws. These bylaws are important tools to maintain undeveloped open space and

associated natural resources while allowing new residential development. Berkshire Regional Planning Commission, working with municipal Planning Boards, should prepare informational material about these bylaws and assist with the adoption by municipalities.

Goal LU1.4: Develop and re-develop in a manner that reinforces and complements the unique urban character of the region.

Policy LU1.4.1: Use land use regulations and design standards to unify and enhance elements of the existing urban areas.

Strategy A: Explore Form Based Codes in Densely Developed Urban Areas and Village Centers

Form based zoning is a means of regulating development to achieve a specific urban form. One element of form based zoning is the Building Form Standards. These are regulations controlling the configuration, features, and functions of buildings that define and shape the public realm. Specific design features of these standards would be especially useful as applied to redevelopment activities in downtown urban areas and village centers. Berkshire Regional Planning Commission should research specific standards, identify those standards most deemed most applicable for Berkshire Communities and work with municipal planners to implement standards where appropriate.

Strategy B: Adopt Inclusionary Zoning

As of 2013, six municipalities incorporated some type of affordable housing element in their zoning (Great Barrington, Lee, North Adams, Pittsfield, Stockbridge, and Williamstown). Affordable housing is a critical need in many Berkshire County communities. Berkshire Regional Planning Commission should prepare recommendations for inclusionary housing zoning best practices and work with municipal planners to implement those practices where appropriate.

Strategy C: Pursue Compact Neighborhood Status and Designation

The Massachusetts Department of Housing and Community Development's Compact Neighborhoods Policy is a relatively new tool communities can use to receive preferential treatment for certain state grants while promoting affordable work force housing. Berkshire Regional Planning Commission should identify areas that might be potentially eligible for this designation and work with municipal officials to have such areas designated if appropriate.

GOAL LU1.5: Develop and re-develop settled places that encourage and expand connections between people and allows them to readily conduct normal daily activities with minimal automobile use.

Policy LU1.5.1: Use land use regulations and design standards to enable village areas to thrive and grow.

Strategy A: Adopt Village Center Zoning

Defining landscape characteristics of the Berkshires are the small village centers sprinkled throughout the county. Zoning bylaws currently in place in many towns frequently don't acknowledge the unique characteristics of these areas such as small lots, small frontage, minimum front yard setback, etc. Hence, the village settlement pattern is difficult to re-create or expand in these communities. Also the permit requirements for modifications of existing uses can be overly onerous if these uses are treated as per-existing non-conforming uses through zoning. Berkshire Regional Planning Commission should work with municipal planners in towns with villages to adopt village center zoning bylaws.

Strategy B: Adopt Mixed Use Zoning Ordinances / Bylaws

One important aspect of villages is the mix of uses that occurs there. By allowing a blend of uses in a zoning district, instead of segregating uses by type, mixed use zoning is an important tool communities can use to promote continue vibrant aspect of villages. This tool can be used in other settled areas in addition to village centers to encourage thriving neighborhoods.

Strategy C: Adopt Home Occupation Ordinances / Bylaws

A person being able to work from their home instead of driving away to a separated work location is another way to encourage lively communities. Berkshire Regional Planning Commission should work with municipalities to adopt these bylaws in appropriate locations.

GOAL LU1.6: Maintain the aesthetic character of the region.

Policy LU 1.6.1: Use land use regulations and policies to maintain the unique aesthetic characteristics of the region.

Strategy A: Use Site Plan Review to Achieve Desired Architectural and Site Improvements Consistent with Surrounding Development and Community Goals

The use of site plan review is a tool many communities are familiar with. It is an important tool that can result in buildings that are in context with surrounding buildings. Frequently it is not employed by communities to the maximum extent possible. Berkshire Regional Planning Commission should develop a program of site plan review assistance to municipal planners.

Strategy B: Develop Sign Bylaws that Allow Conveyance of the Desired Message of the Sign and are Consistent with Desired Design Elements of the Community

The regulation of signs can be one of the most contentious aspects of land use control. Aesthetic taste varies greatly from one person to another so it is frequently difficult to reach common agreement on sign standards. The aesthetic aspect also needs to be balanced with the needs of the business or other entity needing to convey the message of the sign. Nonetheless, signage regulation is a very important feature of land use management as signs are dominant markers on the landscape. The Berkshire Regional Planning Commission should work with municipal planners to insure adequate sign standards and bylaws are in place.

Strategy C: Develop "Dark Skies" Bylaws to Limit Light Pollution

Another one of the defining features of the Berkshires is that the skies are not overcome by light pollution. The Berkshire Regional Planning Commission should develop a model "dark skies" bylaw and work with municipalities to have it adopted.

Policy LU1.6.2: Use land use regulations to maintain the flow of traffic along highway commercial areas, promote walkability and maintain safety for all users.

Strategy A: Adopt Corridor Management Overlay Districts

Highway commercial areas, commonly referred to as commercial strips, can impede the flow of traffic because of numerous curb cuts, cause safety issues with numerous turning movements, contain a proliferation of signs leading to visual blight and make it difficult for pedestrians and bicyclists to access them and navigate through them. The Berkshires has few of the commercial "strips" found in other areas. For the few strips that exist, Berkshire Regional Planning Commission should work with municipal planners to have Corridor Management Overlay Districts be adopted.

Strategy B: Reduce the Potential for Further Highway Commercial Strips

Further unplanned and relatively unregulated commercial strip development will lead to a loss of scenic character along the region's main roadways which will have a detrimental impact on the region's tourism-based economy and will lead to increased traffic congestion and safety problems. Conversely, communities rely on new commercial development as a revenue source and thus allowing for well-planned commercial and mixed use development in appropriate locations is important. The Berkshire Regional Planning Commission should work with municipal planners to review zoning and site plan standards and maps and to plan for thoughtful commercial development in selected appropriate locations along major arteries.

2. PLANNING TOOLS, TECHNIQUES AND CAPACITY

To achieve a desired land use pattern requires a blend of comprehensive, forward-thinking planning and then steady and consistent implementation to achieve the items specified in the plan. The following sections describe the process that municipalities employ to achieve a desired land use future. Goals, policies, and strategies for then follow.

MUNICIPAL PLANNING

Master Plans

Master Plans are the most important documents municipalities can have to achieve a desired future. As enabled by MGL chapter 41, section 81D, master plan are "statements, through text, maps, illustrations or other forms of communication ... designed to provide a basis for decision-making regarding the long-term physical development of a municipality". Planning Boards are responsible for Master Plans. The following nine elements are identified as being included in Master Plans.

- Goals and Policies
- Housing
- Resource Protection
- Services and Facilities
- Implementation
- Land Use and Development Patterns
- Economic Development
- Open Space and Recreation
- Transportation and Circulation

One of the glaring shortcomings of the Massachusetts enabling legislation for Master Plans is that despite the obvious connection between zoning and planning, there has never been a Massachusetts requirement that zoning be in accordance with a comprehensive or master plan. Consequently there are instances of zoning amendments begin adopted that are not consistent with the Master Plans.

Open Space and Recreation Plans

Open Space and Recreation Plans are also useful comprehensive planning documents for a municipality. The Conservation Commission Act (G.L. Ch. 40 § 8C; HB § § 1.1.2, 19.13) directs Conservation Commissions to "conduct research into its local land areas" and recommends that Commission have a "conservation and passive outdoor recreation plan." Currently the most broadly useful form of a natural resource protection plan for Conservation Commissions today is an Open Space and Recreation (OS&R) Plan developed according to the guidelines of the state Division of Conservation Services (DCS). This plan is designed to both meet the standards of the Conservation Commission Act and the requirements for land acquisition funding through DCS-administered grant programs. These plans are supposed to be consistent with a municipal master plan and regional plans. Key components of an OS&R Plan that will qualify the community for DCS-administered grants include:

- An inventory of existing natural resources
- Community-wide goals and objectives,
- An analysis of open space &recreation needs
- A detailed five-year action plan

MUNICIPAL CONTROL OF LAND USE

In Massachusetts, land use control rests with the individual municipalities. As enabled by Massachusetts law, each municipality enacts various laws and regulations to promote the general welfare of the community. It is a decentralized exercise of power where power rests with various boards and officials.

Role of Municipal Officials and Departments in Land Use Regulation

Various municipal boards and officials have specific roles regarding the local regulation of land use specified by a number of enabling statues. They are enabled by law to review or regulate a limited number of aspects of a development proposal. Each board or official has their own unique operating style. Boards frequently have high turnover. It is also increasing difficult to have volunteers serve on Boards. Much of the time there is no or infrequent interaction between boards. It is not unusual for boards to be at odds with each other. This can result in an unnecessarily inefficient review and approval process.

What follows is a thumbnail sketch of the most important land use officials and boards.

- **Building Inspectors:** Building inspectors have an essential role in the land use regulatory process. The building inspector is typically the designated zoning enforcement officer and therefore interprets the local land use regulations and as such acts as the initial gatekeeper to the process directing applicants how to proceed with acquiring the necessary permits. The building inspector issues or withholds building permits, reviews enforcement requests and ensures compliance with local land use regulations. The building inspector is also charged with enforcing the State Building Code.
- **Planning Boards:** Planning Boards play several key roles in the land use planning and regulatory process. Planning Boards are charged with proactively planning for the future of the community through the development and adoption of a Master Plan. In the regulatory process, Planning Boards review and approve subdivision applications, review and decide upon special permit applications (when designated) and are given the authority to commence the zoning amendment process. Planning Boards also provide advisory opinions on permit applications being processed by other local boards.
- **Boards of Appeal:** Boards of Appeal play an essential advisory and appellate function in the land use regulatory process. As part of its appellate role, the Board of Appeal hears appeals on administrative decisions made by the Building Inspector. The Board of Appeal will also review and decide upon applications for variances and special permits (when designated). Boards of Appeal may also commence the zoning amendment process and may provide an advisory opinion on permit applications being processed by other local boards.
- **Boards of Health:** The most common role for a Board of Health in the land use regulatory process is to review subdivision plans to ensure that provisions are in place for the adequate on-site disposal of wastewater. A Board of Health also has broad powers to enact local regulations

to protect the public health, but this power is rarely used. In the region's most urban communities, the Boards of Health enforce housing codes which are important in trying to maintain housing quality. Boards of Health are oftentimes asked to provide an advisory opinion on permit applications being processed by other local boards.

- **Conservation Commissions:** The Conservation Commission's primary responsibility is to administer and enforce the Massachusetts Wetlands Protection Act and any locally adopted wetlands bylaw. They also are empowered to initiate community consideration of adoption of the Berkshire Scenic Mountain Act and, if adopted, in enforcing that Act. Conservation Commissions are oftentimes asked to provide an advisory opinion on permit applications being processed by other local boards. Conservation Commissions also are responsible for the preparation of Open Space and Recreation Plans.
- **Board of Selectmen:** The Board of Selectmen play a minimal role in the land use regulatory process. The Board of Selectmen may review and decide upon special permit applications (when designated). The Board of Selectmen may also commence the zoning amendment process and may provide an advisory opinion on permit applications being processed by other local boards.
- **City Councils:** City Councils as the legislative governing body of a city are responsible for adopting land use ordinances. City Councils may also review and decide upon special permit applications (when designated) and may provide an advisory opinion on permit applications being processed by other local boards. Since City Councils act as the local legislative body, replacing town meeting which serves that purpose in towns, they have broad authority to enact a variety of ordinances and regulations which may affect land use policies.

Zoning Ordinance or Bylaw Adoption Process

The zoning adoption, amendment and repeal process in Massachusetts is regulated by Massachusetts General Law c. 40A § 5. The following is only a summary of the steps required to adopt, amend or repeal a zoning ordinance or bylaw – Section 5 has much greater detail. A petition to adopt, amend or repeal a zoning ordinance or bylaw is presented to the Board of Selectmen. Within fourteen (14) days, the Board of Selectmen refers the petition to the planning board for a public hearing. The Planning Board is required to hold a public hearing on the petition within 65 days of its receipt. Section 5 sets forth very specific notification requirements that must be followed by the Planning Board such as, publishing the notice in the newspaper once in each of two consecutive weeks, posting the notice in a conspicuous place in town/city hall, and mailing notice to the planning boards of all abutting cities and towns. The public hearing provides interested persons the opportunity to comment on the proposed zoning adoption, amendment or repeal. The Planning Board has an opportunity to make a recommendation to the town meeting voters, town council members or city council members.

In a town, the petition to adopt, amend or repeal a zoning ordinance or bylaw is placed on the town meeting warrant for consideration by voters. In a town, a petition to adopt, amend or repeal a zoning ordinance or bylaw must be approved by a two-thirds vote of a town meeting or where applicable by a two-thirds vote of all the town council members. In a city, a petition to adopt, amend or repeal a zoning ordinance or bylaw must be approved by two-thirds of all the members of a city council. Once the petition has been accepted by the requisite number of voters, in towns only, the newly adopted

zoning ordinance or bylaw must be submitted to the Attorney General for review. The Attorney General may either accept or reject the newly adopted zoning ordinance or bylaw. If a zoning ordinance or bylaw is accepted the process is complete; however, if a zoning ordinance or bylaw is rejected then the process must begin anew with the submission of a petition to the Board of Selectmen.

The two-thirds requirement for adoption at a town meeting is frequently a difficult threshold to meet. Zoning amendments are inherently political. It only takes a relatively small number of votes to defeat a proposed zoning amendment. Frequently this opposition can result from a neighborhood group who might be immediately impacted by the proposed change or by an interest group with a specific point of view.

Subdivision Regulation Adoption Process

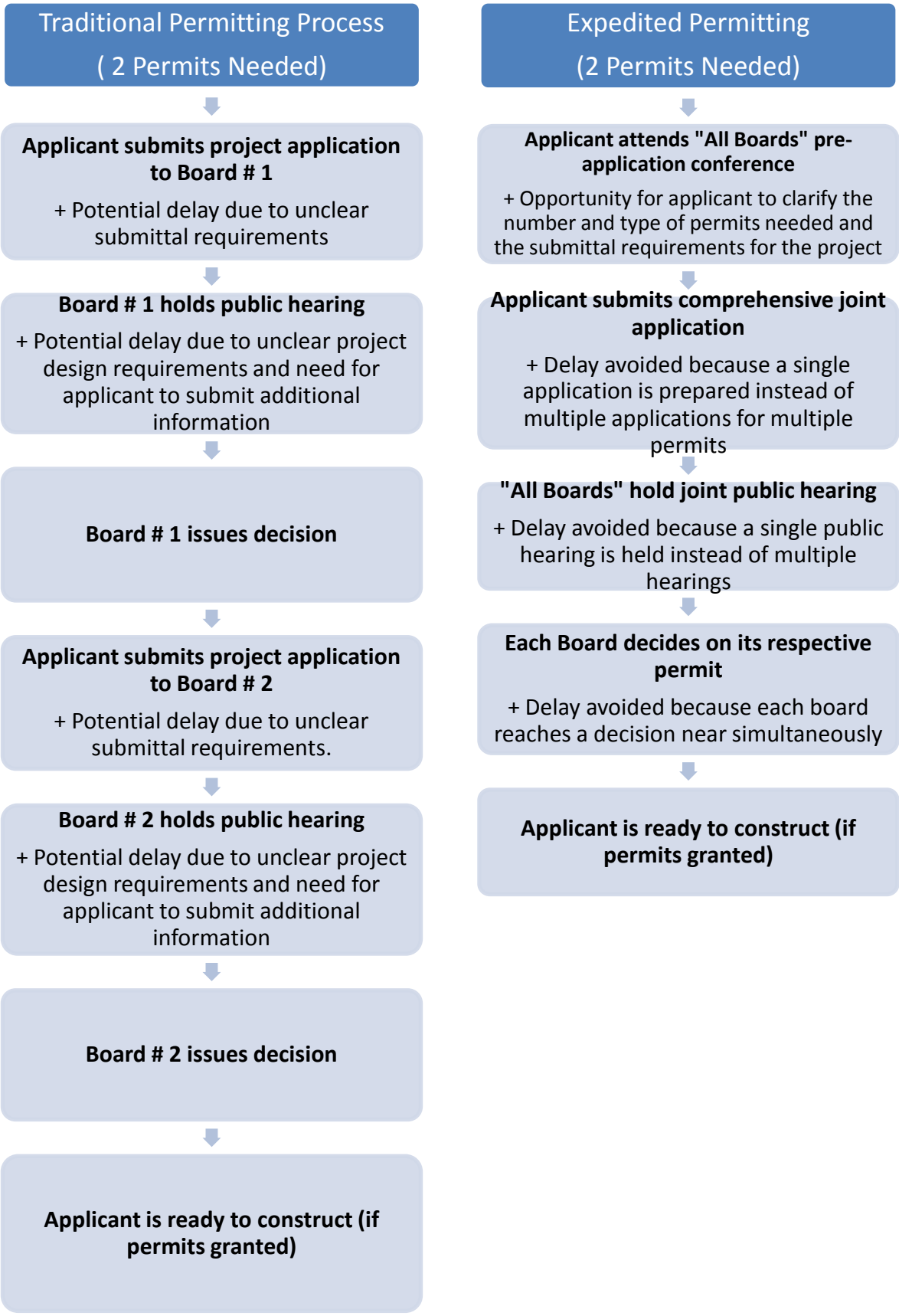
Massachusetts General Law c. 41 § 81 Q requires planning boards to adopt after a notice and a hearing reasonable rules and regulations for the subdivision of land not inconsistent with the subdivision control law. In stark contrast to the zoning adoption, amendment, or repeal process, a planning board need only hold a public hearing for which notice is provided and then vote to adopt, amend or repeal the subdivision control regulations by a majority vote of the planning board. Except for Approval Not Required under the Subdivision Control Act, Berkshire County has not experienced much subdivision development.

Tools and Techniques

Streamlined Permitting

The difficulty and expense of the local permitting process can, if not efficiently conducted, negatively impact the chances of positive economic growth in a municipality. Vague standards, varied processes and unclear submission requirements are mostly to blame for this difficulty. Generally, developers would rather be able to see a clear set of standards, even if strict, and a clear process as those add a degree of certainty to their uncertain environment. To address this issue, municipalities should consider adopting a streamlined permitting process similar to that found in the "A Best Practices Model for Streamlined Local Permitting" guidebook published by Massachusetts Association of Regional Planning Agencies available at http://www.mass.gov/hed/docs/permitting/permitting-bestpracticesguide.pdf. The best practices guide recommends that municipalities focus on improving communication with applicants by appointing a single point of contact, adopting clear standards and submittal requirements and holding pre-application meetings with a technical review team to identify all required permits. To improve the efficiency and timeliness of the permit process recommendations include processing concurrent applications and holding combined public hearings where possible. Streamlining the permitting process takes coordination and effort at the municipal level but is an important tool in attracting new job producing economic growth or desired housing development. (See Figure LU6, next page, for a comparison of traditional local permitting and streamlined local permitting).

Figure LU6: Streamlined Local Permitting versus Traditional Permitting



Opportunities and Challenges

Limited Number of Current Comprehensive Master Plans and Open Space and Recreation Plans

Municipal Master Plans guide a community to a desired future. Berkshire County is fortunate in that the 3 largest municipalities have or are in the process of developing current plans (within the last 5 years.) One other town has a current plan, 6 have plans prepared within the last 15 years, 5 communities have outdated plans, but half the communities of Berkshire County have never had a Master Plan.

According to the Massachusetts Division of Conservation Services, as of October 3, 2013 5 municipalities have current Open Space and Recreation Plans. Another 22 municipalities have expired plans, meaning they are more than 5 years old.

Limited Capacity to Conduct Long Range Planning

A large majority of municipalities in Berkshire County rely exclusively on citizen planning boards to conduct planning and have no planning staff. Out of 32 municipalities, only six (Pittsfield, North Adams, Adams, Great Barrington, Williamstown, and Lenox) have planners. Some share the position serving both as community development as well as planning staff. The Berkshire Regional Planning Commission staff is available to provide small-scale routine guidance and assistance but its capacity to provide support to conduct long range planning, such as developing a master plan or implementing regulatory changes requires a source of funding and thus is limited. Over the past decade or so, BRPC has provided "out-source planners" through service contracts for 1 or 2 day a week service in Lenox, Great Barrington and North Adams and, ultimately, that has proven the worth of planning in those communities and they have moved on to hire their own planner. In this environment of citizen boards and no staff, there essentially is no capacity in many of the towns to conduct long range planning and the planning boards are simply responding to what is brought to them for review or consideration. They will often accomplish modest amendments to regulations, such as zoning or subdivision, in order to deal with a new circumstance but their capacity to undertake substantial planning projects is very limited.

Weak State Enabling Legislation, Especially to Address the Berkshires Most Prevalent Problem of ANR (Approved Not Required) Development

Two pieces of state legislation dominate municipal authority to regulate land use. These are the Zoning Act, M.G.L. chapter 40A and the Subdivision Control Act, M.G.L. chapter 41, sections 81K - 81GG. These laws enable municipalities to adopt zoning by-law (towns) or ordinances (cities). However, the enabling state laws contain unclear or restrictive provisions that effectively deprive cities and towns of authority consistent with their responsibilities. These impediments render local planning ineffective, and even discourage it. Current planning, zoning and subdivision control statutes subvert local planning by allowing exemptions, prohibitions and zoning freezes that consistently get in the way of local plan implementation. The realization of local land use plans is hindered. Massachusetts has been identified by the American Planning Association as one of the states with the weakest and most outdated state land use laws.

The Subdivision Control Act is very poorly crafted leading to a confusing and poor process. The approval not required provision of the Subdivision Control Act allows a proposed subdivision to be approved provided it is along an established road and has "adequate" frontage. In these instances the Planning Board must approve the subdivision and the property owner is able to develop the property, provided it complies with other public health and environmental laws. The provision has allowed a large amount of road frontage in Berkshire County to become developed as the development project, mostly residential, cannot be regulated by the local planning board.

Unclear Development Review and Approval Process

In Massachusetts, the local regulation of land use is controlled by various local board and officials, including the Planning Board, Building Inspector, the Zoning Board of Appeals, Board of Health, Conservation Commission, and, potentially Historic District Commission. The traditional land use permitting process, characterized by the separate, sequential and independent review of each relevant Board, is costly and inefficient.

GOALS, POLICIES, AND STRATEGIES

The following goals, policies, and strategies will be pursued to achieve the region's land use vision:

GOAL LU 2.1: Use long range comprehensive planning to achieve a desired future.

Policy LU2.1.1: Provide municipal officials with appropriate long range planning tools.

Strategy A: Prepare or Update Comprehensive Master Plans
Municipalities should prepare or update comprehensive Master Plans. Berkshire Regional Planning Commission should assist in the preparation or updating of these plans.

Strategy B: Prepare or Update Comprehensive Open Space and Recreation Plans
Municipalities should prepare or update Open Space and Recreation Plans. To be eligible for funds from the Division of Conservation administered grant programs, plans need to be updated every 5 years. Berkshire Regional Planning Commission should assist in the preparation or updating of these plans.

Strategy C: Seek Additional Resources for Municipalities to Conduct Comprehensive Planning Activities (Master Plans and Open Space Plans)
The development of comprehensive long range plans is a time consuming process. This is a daunting task for volunteer planners in those communities without planning or community development staff. Available time in those communities with planning or community development staff to conduct comprehensive planning activities is generally limited. That time is needed to respond to immediate demands of project permit review or community development activities. More funds are needed to enable municipalities prepare such comprehensive plans. Berkshire Regional Planning Commission should work with municipalities to insure there are available funds to prepare comprehensive plans. In particular, if Master Plans are referenced in changes to state zoning enabling legislation, that legislation needs to contain funds for municipalities to prepare comprehensive Master Plans.

Strategy D: Provide a Mechanism to Regularly Track and Evaluate Progress Towards Municipal Master and Open Space Plan Implementation
Comprehensive plans, such as Master Plans and Open Space and Recreation Plans are only fully useful if they are used and referred to on a regular basis as serve as a basis for policy decisions, such

as zoning amendments. Frequently municipalities do not institute tracking and evaluation processes related to comprehensive plans. It is not uncommon for policy decisions to be made that are not consistent with a comprehensive plan. Berkshire Regional Planning Commission should work with municipal officials to develop a process to regularly track and evaluate progress towards comprehensive plan implementation. Berkshire Regional Planning Commission should assist municipalities to use that process.

Policy LU2.1.2: Build, expand and support capacity at the municipal level to conduct comprehensive planning and community development activities.

Strategy A: Seek Additional Resources to Enable Municipalities to Add Staff Capacity for Long Range Planning Activities

Frequently the value of long range planning, especially during tight fiscal times, is not fully appreciated by the municipalities. The Berkshire Regional Planning Commission has had a program, the Outsource Planner program, whereby a Planning Commission staff would work one or two days in a municipality serving as that municipal's staff planner. Lenox and Great Barrington used this program. Once the value of the services of that position was realized, the municipalities hired their own planning personnel. Working with municipal officials Berkshire Regional Planning Commission should seek opportunities to expand municipal planning services, including expanding the Outsource Planner Program or facilitating a shared services arrangement between several municipalities.

Strategy B: Hold Educational Trainings and Workshops for Municipal Planning Officials to Increase Municipal Planning Capacity

The Berkshire Regional Planning Commission currently coordinates several municipal planning training opportunities including the Citizen Planner Training Collaborative training and its own 5th Thursday dinners. The Berkshire Regional Planning should continue to hold and facilitate trainings for municipal planning officials.

GOAL LU 2.2: Enable municipalities to guide development according to their desires.

Policy LU2.2.1: Advocate for stronger policies at the state level to support sustainable development patterns.

Strategy A: Support Changes to the State Enabling Legislation to Improve the ANR Development Process, Allow Development Impact Fees, Improve the Variance Process and Ease the Zoning Amendment Requirement in Certain Circumstances

Efforts have been made for several years to update state enabling legislation. Many of these efforts have been far-reaching and comprehensive and have failed to garner the necessary support to advance through the legislative approval process. The latest effort promises to be more selective in dealing with targeted changes. The Regional Issues Committee of the Berkshire Regional Planning Commission previously coordinated working sessions with Berkshire County planners to review and comment upon proposed changes. The Berkshire Regional Planning Commission staff should continue to coordinate similar efforts in the future to insure future changes to state enabling legislation addresses the most pressing problems facing Berkshire communities.

GOAL LU 2.3: Adopt a clear, straightforward development review and approval process.

Policy LU2.3.1: Encourage municipalities to adopt a clear, straightforward development review and approval processes.

Strategy A: Create User-Friendly Development Permitting and Approval Guides

Municipalities should consider adopting a streamlined permitting process similar to that found in the "A Best Practices Model for Streamlined Local Permitting" guidebook published by Massachusetts Association of Regional Planning Agencies available at http://www.mass.gov/hed/docs/permitting/permitting-bestpracticesguide.pdf.

Strategy B: Support All-Boards Reviews of Complex Development Projects as a Way to Expedite Permit Approval and Achieve Desired Development

A relatively simple measure municipalities can implement is an all-board review of complex development proposals. Through this measure all municipal departments and officials that have jurisdiction over some element of a proposed development project meet together to discuss key concerns or potential project impacts, proposed mitigation, and permit conditions. All parties benefit from this approach as developers get a comprehensive indication of items needing attention.

3. MAXIMIZE INVESTMENT AND RESOURCES

Land use policies and practices can serve to stimulate new growth and development. With limited private investment in new development and dwindling state investment in public infrastructure, Berkshire communities must work to fully utilize available state programs, existing infrastructure and existing buildings to maximize the prior investments that have been made in the region as well as to increase public and private investment in Berkshire County. This section provides a framework for maximizing the investment previously made in the region by reinvesting in previously developed areas and sites and prioritizing the best locations for new economic and housing development and lands for preservation.

FISCAL NECESSITY OF NEW DEVELOPMENT

Property taxes are the major revenue source for municipalities. Attracting new growth is a way to grow municipal revenue. Commercial and industrial growth is especially desirable because in addition to its relatively high taxable value, it requires fewer services, especially related to education. Municipalities frequently will accept any new commercial development, reluctant to be perceived to be "anti-development" by setting and applying appropriate standards. This may have a long term negative impact as one of the main assets of the Berkshires as a tourist destination is the physical attractiveness of the landscape. Inappropriate development can detract from that attractiveness.

As a way to build the tax base, municipalities frequently compete with each other to try to attract new and existing commercial and industrial development away from another community. This may be beneficial to that one municipality. However, the region as a whole, which needs to increase the overall tax base and not shift it from one municipality to another, does not benefit.

CHAPTER 43D – EXPEDITED PERMITTING DISTRICT

Chapter 43D is an opt-in provision of Massachusetts General Law (M.G.L. c. 43D) that allows municipalities to designate target areas that are ready for development and subject to an expedited streamlined permitting process that ensures a developer a timely decision on all local permits. This provision provides a transparent and efficient process for municipal permitting, guarantees local permitting decisions on these sites within 180 days, and increases visibility of a community's target development site(s).

These sites are privately or publicly owned property that are:

- zoned for commercial, industrial, residential, or mixed use;
- eligible under applicable zoning provisions, including special permits or other discretionary permits, for the development or redevelopment of a building at least 50,000 square feet of gross floor area in new or existing buildings or structures; <u>and</u>
- designated as a priority development site by the state Interagency Permitting Board. The Interagency Permitting Board (IPB) is the state board established to review and approve or deny municipal priority site development proposals and administer technical assistance grants. The members of the Board are comprised of a representative from each state office that issues permits.

By designating these areas Municipalities receive the following benefits:

- priority consideration for state grants;
- priority consideration for quasi-public financing and training programs;
- brownfields remediation assistance;
- online marketing of the site and promotion of the town's pro-development regulatory climate; and
- competitive advantage for economic development opportunities.

Four Municipalities have designated Chapter 43D Expedited Permitting Districts in Berkshire County:

- Pittsfield William Stanley Business Park
- Dalton 3 parcels in the Ashuelot Park Business Park
- Adams 2 parcels related to Greylock Glen
- Lee 2 sites, Eagle Mill; Laurel Mill

IMPORTANCE OF URBAN AREAS

Historically, the largest communities in Berkshire County have been Pittsfield, North Adams, Adams, Williamstown and Great Barrington and until recent decades 70-75% of the County's population resided in these five communities. Even with the significant population losses experienced by the three largest since 1970, these five communities still are home to 62% of the year-round population. Jobs also tend to be concentrated but less so, with the "valley" communities from Sheffield through Lanesborough and North Adams and Williamstown almost all showing employment concentrations, with 70% of all employment in the region in the five largest communities in 2010. However, Lee and Lenox both have a relatively significant number of jobs and six towns have many more jobs than their population size would generally dictate. Of the larger communities, both Adams and North Adams have smaller employment numbers than might be expected, indicating the economic struggles these communities have been having. In both cases, their historic population (and probably employment) high points were in 1900-1910 so their decline has been long-standing and persistent. The smaller towns generally do not have any concentration of jobs, even in relation to their populations, showing they serve primarily as bedroom communities for the employment centers.

Educational and social services for the entire region are also concentrated in the largest communities, but even more so. The hospitals and a concentration of other medical services are located in Pittsfield, North Adams, and Great Barrington. The technically oriented high schools and state courts are located only in those same three communities. Berkshire Community College is located in Pittsfield with branches in Great Barrington and at McCann Technical School in North Adams while the Massachusetts College of Liberal Arts is located in North Adams. Williams College is located in Williamstown and Simons Rock College of Bard is located in Great Barrington. Social service agencies and organizations tend to be located in Pittsfield, sometimes with satellite offices in North Adams and, to a lesser extent, Great Barrington or with smaller separate organizations in North Adams and Great Barrington serving those communities and the surrounding areas. Federal and state office buildings are located only in Pittsfield. Thus, almost every resident of the Berkshires is dependent on the availability of services

which are found only in the regional center or two subcenters of Pittsfield, North Adams, and Great Barrington.

When various socio-economic trends are analyzed, it becomes apparent the much of the "decline" of the Berkshires, in population, income, education, etc., is due to the decline of the primary urban centers. Their importance becomes magnified because it is extremely difficult to end the various slides in the region's trends if the largest communities continue to decline. The region as a whole cannot thrive if its core communities are in a decline.

TOOLS AND TECHNIQUES

Local and Regional Priority Development Areas

Land use policies and practices can serve to stimulate new growth and development. With limited private investment in new development and dwindling state investment in public infrastructure, Berkshire communities must work to fully utilize available state programs, existing infrastructure and existing buildings to maximize the prior investments that have been made in the region as well as to increase public and private investment in Berkshire County.

Since 2007, the Patrick Administration has employed a job and housing growth strategy across Massachusetts in partnership with local communities. The Planning Ahead for Growth strategy consists of four critical elements**:**

- **Identifying** promising places for growth that not only have community support, but are also consistent with regional considerations and with the Commonwealth's Sustainable Development Principles
- **Creating** prompt and predictable zoning and permitting in those places (both state and local)
- **Investing** in public infrastructure needed to support that growth
- **Marketing** those places to businesses and developers interested in locating and growing in the Commonwealth.

Three areas in Massachusetts have embarked on comprehensive planning processes to implement this Planning for Growth Strategy. These are thirty-one communities along the south east coast, through the South Coast Rail Corridor Plan, thirty seven communities along Route 495 through the 495/MetroWest Development Compact Planning Study and fifteen communities in the northeast coast area. Those efforts have identified priority development and preservation areas and needed transportation and infrastructure investments for the region. These plans were prepared in collaboration with regional and local participants, the public and private sectors along with the Administration's cabinet-level secretariats to form the framework for public decision-making in land use regulation and infrastructure investment within those regions over the next twenty years. These comprehensive planning efforts have led to the state prioritizing public investments in designated areas. Such as process employed in Berkshire County could lead to additional public investment for infrastructure coming into the region. These investments could serve to attract new development and economic growth.

Priority Development Areas (PDAs)

Priority development areas (PDAs) are areas within a city or town that have been identified as capable of supporting additional development or as candidates for re-use or redevelopment. These areas are generally characterized by good roadway and/or transit access, available infrastructure (primarily water and sewer), and an absence of environmental constraints. In addition, many of these areas have undergone extensive area-wide or neighborhood planning processes and may have detailed recommendations for future actions. PDAs may be specific projects or sites or may represent general locations where appropriate growth may occur, and where public investments to support that growth will be directed.

PDAs can range in size from a small area to many acres. They may include a mixture of retail, industrial and office uses as well as housing, with a particular emphasis on housing which meets affordability thresholds and/or is accessible by the local workforce. Redevelopment of under-utilized or abandoned properties, as well as adaptive re-use of existing buildings/projects, can also fall under the auspices of a PDA. PDA's might include areas designated under state programs such as Chapter 43D (expedited permitting), Chapter 40R (smart growth zones) or Economic Opportunity Areas.

The following process is recommended for the Berkshires to prioritize areas for development and new investment. It is built on the work done previously by the municipalities and then employs a comprehensive region-wide process to establish Regional and State Priority Development Areas.

- <u>Step one: Identify Local Priority Development Areas (PDA)</u>

  Local Priority Development Areas are areas that municipalities have identified through some deliberative local planning process, such as a Master Plan, as areas desiring re-development or re-use or are desired and able to accommodate new development. These areas may include residential, commercial, industrial and mixed uses. They may range in sizes from a single site to a larger area.

- <u>Step two: Identify Regional Priority Development Areas</u>

  Regional Priority Development Areas are local PDAs that are determined to be regionally significant according to agreed upon development guidelines or principles. These guidelines and principles will be modeled in a GIS system to identify Regional PDAs. Regional PDAs will be developed with extensive input from the municipalities and well as through input from the public.

- <u>Step three: Identify Needed Improvements in Regional Priority Development Areas to Enhance Development Readiness</u>

  Public infrastructure needs in Regional PDAs will be identified as a basis for future funding decisions by the state. Regulatory improvements will be identified to facilitate the development approval process.

- <u>Step four: Identify State Priority Development Areas</u>

  State PDAs will be identified working with state officials. State PDAs are Regional PDAs that can accommodate significant development of scale. State PDAs will be given the highest priority for receiving state funds.

Municipal Growth and Development Policy Committees

Section 4I of MGL 40 enables Growth and Development Policy Committees. Established by Boards of Selectmen or City Council and Mayor, these committees are designed to provide a venue for two or more municipalities to conduct mutual planning on a wide range of topics to address balanced growth and development issues which have a significant impact upon the health, safety or welfare of citizens of more than one member community. These committees are enabled to research, develop, sponsor, fund and implement programs and projects designed to address growth and development issues. These committees can have a broad mandate to conduct activities related to a wide range of topics including:

- current and future residential, commercial and industrial development demands of municipalities;
- identification of needed or desirable long-term housing and economic development objectives and priorities;
- protection of environmentally sensitive areas;
- preservation of important land and water resources;
- growth management land use problems, including regional transportation systems, housing, water quality, open space, recreational land and agricultural land;
- municipal growth management decisions;
- the impact of a proposed development on infrastructure, highway safety, traffic congestion, transportation systems and ability to provide municipal services;
- development which promotes the conservation and efficient use of natural resources, including energy, safe alternative energy resources, water, wetland, flood plains, ground water aquifers and aquifer recharge areas

Committees may receive staff and planning assistance by any board, department or agency of a member municipality. Each member municipality may appropriate funds to the growth and development policy committee for any purpose related to committee matters. The growth and development committee may accept contributions, gifts or grants from any private source or public source, including, but not limited to, any local agency, state agency or federal agency.

Growth and Development Policy Committees are useful tools to coordinate activities between municipalities. The main benefits from these committees are minimized impacts from development projects affecting both municipalities and as a venue to attract new development to an area.

Chapter 40R Smart Growth Overlay District (SGOD)

Chapter 40R of the Massachusetts General Laws offers financial incentives to cities and towns for the adoption of a "Smart Growth Zoning District" zone to promote housing production and smart growth development. This new zoning district must be an overlay of specific existing location and cannot be used as base zoning. Locations must be in one of three designated areas:

1. Areas near transit station: bus, train, commuter rail, and ferry terminals
2. Areas of concentrated development: city & town centers, other existing commercial districts with the city or town, and existing rural village districts
3. Areas that by virtue of their infrastructure, transportation access, existing underutilized facilities and/or locations make highly suitable places for residential or mixed use smart growth zoning districts

Before adopting an SGOD the community must apply to DHCD for district approval. At this time the Department will determine if the location is an eligible site and must approve the proposed zoning regulations and design standards. Therefore zoning regulations must be drafted prior to application. Once the application has been approved the community then adopts the new SGOD zoning. Upon receipt of an approval letter from the Department the community is then eligible for incentive and bonus payments.

Typically districts cannot exceed 15% of the local land area, although DHCD can be petitioned to approve up to 25%. While all residential and mixed use development must be as-of-right in a smart growth overlay district, communities can use design review to regulate the physical character of the development as long as requirements are not unduly burdensome. Within the SGOD, 20% of the housing supply must be affordable to those individuals earning at 80% of the median income or less. These units must also be deed restricted as such for a minimum of 30 years. The district must also meet minimum allowable densities of:

1. 8 units per acre for single-family homes
2. 12 units per acre for two & three family homes
3. 20 units per acre for multi-family dwellings

Adaptive Reuse Zoning (Mill Reuse)

An adaptive reuse zoning bylaw allows for flexibility (e.g. relaxing dimensional standards, allowing for mixed use) in the redevelopment of existing structures such as a mill complex or historic factory that does not comply with current zoning standards. Used in conjunction with other measures, such as infrastructure improvements and financial incentives, this zoning tool can facilitate re-development of unused or underused mills.

Opportunities and Challenges

Limited State Resources

Over the past decade, covering the current and past governor's administrations, the Commonwealth has increasingly focused discretionary resources to specific geographic areas which the Administration and legislature view as strategically important. Within the past several years, this has manifested itself in a focus on the "Gateway Cities" which are defined as:

> Gateway Cities are midsize urban centers that anchor regional economies around the state. For generations, these communities were home to industry that offered residents good jobs and a "gateway" to the American Dream. (Mass Inc.)

There are 26 Gateway Cities in Massachusetts; Pittsfield is the only one in Berkshire County. The State has focused a number of specific grant programs for housing, parks, job training, and economic development on these 26 cities and given them preferential scoring in a number of other programs. With only one municipality identified as a Gateway City Berkshire County as a whole is at a competitive disadvantage in seeking State support for desired and needed projects in the region.

A number of state economic development and transportation programs have been consolidated under the umbrella of MassWorks within the past three years. While funding decisions in the past for the variety of programs within MassWorks appeared to largely be made on the basis of politics at the state

level, now there is a somewhat more rigorous common application process which provides a potentially more equitable approach. Regardless, the evaluation criteria tend to favor communities which have more sophisticated tools to encourage growth and development and which are somewhat more urban in nature. To some extent, this tends to favor many of the same communities who are Gateway Cities, but it also gives favor to regions which have worked with the State to identify Priority Development Areas and Priority Preservation Areas. The State is focusing resources on these identified areas as they show local-regional-state importance to advance economic and housing development goals.

Limited Private Investment

As the region's population and labor force has aged and declined, and employment has stagnated, the region has become increasingly less attractive to outside investment or even continued investment by those already present in the region. The notable exception to this general characterization is investment in second homes. However existing employers are loath to invest heavily if they do not feel that they will have a labor force in the future which will meet their needs. Landlords are loath to invest even in existing properties when rents are low due to income levels and stagnant demand and the return on investment from either renovating or developing new properties is not competitive with alternative investments. A number of Berkshire communities are seeing stagnant or even declining total property valuations, which is indicative of a lack of new investment in those communities.

There is limited capacity in the region to take the necessary steps to try to overcome the lack of investment. As an example, having a straight-forward decision making process and clear, even if strict, standards for review of developments being proposed is important to private investors. Yet it takes fairly significant local capacity, which most of the region's communities lack, to develop clear processes and standards.

In order to attract new employers or significant new investment by existing employers, development of a stronger labor force and being more attractive to new workers needs to be a focus. Increasingly in the U.S., having strong and vibrant downtowns is needed to be attractive to younger workers. Thus efforts to reposition our historic downtowns as mixed use centers, with restaurants and entertainment, attractive shopping and a variety of quality housing and to also focus on the abutting neighborhoods become very important.

As a region, we will also need to develop strong programs to encourage home-grown entrepreneurs and to be attractive and welcoming to a variety of people. While some costs here are high, some are relatively low, such as the ability to buy a home at an affordable price in a decent neighborhood which is convenient to work. There is a broad array of recreational and cultural opportunities easily available throughout the Berkshires. A stronger effort at marketing a lifestyle choice is needed, aimed at both businesses which are appropriate for the Berkshires, and at younger workers and their families.

Capitalize on the Region's Mill Building

There are dozens of mill buildings in the region which are potential resources, but with a lot of work involved to move them from empty or underutilized buildings to productive reuse. While not well-suited for modern large-scale manufacturing processes, these buildings generally are in very attractive locations, within walking distance of housing and services, and have distinctive architectural charm. They aren't easy to repurpose but doing so will be necessary to turn the Berkshires around. MASSMoCA in

North Adams is probably the most notable success story. The Berkshire Mill apartment complex in Adams is a long-standing success story and always has a waiting list for any vacancies. The fairly recent redevelopment of the Union Mill in North Adams into artist loft housing has also been very successful.

The primary challenge in repurposing the many mills is that the relative low level of demand leads to relatively low rents or sale prices, which then makes redevelopment uneconomic. Some of the communities in which there are concentrations of mill buildings (North Adams, Adams, and Pittsfield) already have concentrations of low-moderate income households and thus really need more higher end housing, attractive to a more affluent demographic, but the needed public subsidy programs typically only fund affordable housing. The State has initiated a program for the Gateway Cities which is focused on this issue but it needs to be expanded to meet the needs in smaller communities which don't meet the Gateway City size criteria.

Seeing each building through a redevelopment process involves significant investments on both the public and private sides. This involves money, time, and a sophisticated team. There is limited capacity on the municipal side and relatively few investors with these attributes. A "mill reuse" team is needed in the region to devote the extended and extensive time needed to move these projects forward and to work with developers in a constructive partnership.

Another obstacle is the conservative nature of bankers and the general approach to establishing market feasibility. A feasibility study typically involves someone analyzing what rents or sales prices are for comparable properties in the vicinity. When someone is trying to open up a new market, the financial industry views that unfavorably and won't provide financing, because it cannot be proved that the market actually exists because it hasn't existed in that general area before. This is a primary impediment to developing more higher-end housing on Adams and North Adams, for instance (the market hasn't been there before, because nothing similar has been marketed before; therefore there is no market; therefore no traditional lender will provide financing). A response to this dilemma might be to establish a somewhat riskier loan pool to advance some projects which establish the marketability of housing which is outside of the traditional market range in various communities where development is desired and desirable.

GOALS, POLICIES, AND STRATEGIES

The following goals, policies and strategies will be pursued to achieve the region's land use vision:

Goal LU 3.1: Maintain and revitalize existing urban and industrial areas.

Policy LU3.1.1: Direct new growth in the form of jobs, housing, commerce, utilities, industry, community facilities, recreational facilities and cultural facilities to the urban areas.

Strategy A: Target Federal, State and Private Funding to Support Infrastructure Needs in Urban and Industrial Areas

The infrastructure in many of the urban areas and industrial locations in the County is old and in need of updating or repair. To enable those areas that are thriving to continue to thrive and to enhance redevelopment and revitalization of these areas needing improvement infrastructure investments should be made in these areas. Wherever possible, county community leaders, such as economic development leaders, should work with appropriate municipal officials in these communities to direct funding to these areas.

Strategy B: Use State and Federal Tools and Incentives, such as Smart Growth Zoning Overlay Districts (40R) to Direct Development to Village Centers and Urban Areas

Municipalities can use a number of state and federal tools and incentives to direct development to village centers and urban areas. Some of these tools are identified in the previous sections. Frequently, municipalities do not have the resources to keep current about these tools or implement them. Berkshire Regional Planning Commission should regularly keep up to date about these tools, prepare and distribute informational material to municipalities and offer to assist communities with implementation.

Policy LU3.1.2: Promote reuse and revitalization of areas (including residential areas, under-utilized commercial and industrial areas, including mill buildings) in need of revitalization.

Strategy A: Pursue Slums and Blight Designation for Eligible Areas

A Slums and Blight designation is a programmatic requirement of the federal Housing and Urban Development agency for eligibility for federal funds under the Community Development Block Grant Program. Areas designated must show a substantial number of deteriorated or deteriorating buildings throughout a defined area. Berkshire Regional Planning Commission should work with municipal officials to designate selected areas to facilitate access to Block Grant funds and hence facilitate revitalization of the areas.

Strategy B: Identify and Promote Re-Development of Under-Utilized Commercial and Industrial Areas

Berkshire Regional Planning Commission should identify commercial and industrial areas in the county. Working with municipal officials, an assessment of these areas should be conducted to identify current use, available sites or space in these areas, and needs of these areas as an initial step towards greater utilization of these areas.

Strategy C: Identify Needed Infrastructure Upgrades and Needed Environmental Remediation in these Areas and Target Funding to Address these Issues.

As part of the assessment identified in Strategy B, infrastructure and environmental remediation needs should be identified. The end product of these assessments should be small area plans for a select number of sites.

Strategy D: Address Zoning Barriers to Mill Reuse

Redevelopment of the many mills and mill complexes in the region could be a tremendous asset to the region. Many of these structures are iconic buildings located in or in close proximity to downtown areas. Zoning needs to be adopted that addresses many of the issues posed by site constraints, such as lack of parking, these mills frequently face. In addition, zoning needs to allow a mix of uses for these structures. Berkshire Regional Planning Commission is currently conducting an EPA funded project in Lee, the Brownfields Area-Wide Planning Project. This Project is designed to help communities confront local environmental and public health challenges related to brownfields, and benefit underserved or economically disadvantaged communities. It will result in a reuse plan for the site and surrounding area. Berkshire Regional Planning Commission should transfer lessons learned from this project to other communities, specifically related to zoning.

Goal LU 3.2: Direct development and public utility investments to areas identified as desiring such development.

Policy LU 3.2.1: Identify areas where future development is desired and plan and prioritize infrastructure improvement, expansion and major rehabilitation projects to those areas.

Strategy A: Extend Municipal Infrastructure Only to those Areas Designated for Redevelopment or New Development

The provision of municipal infrastructure, such as water and sewer, can be strong incentives to advance re-development activities or attract new development. Especially in fiscally constrained times, municipal officials should use infrastructure improvements strategically to advance broader community goals. In municipalities with independent water/sewer districts, municipal officials will need to work closely with district officials as well.

Strategy D: Direct Development to 43D – Expedited Permitting Districts

Pittsfield, Adams, Dalton and Lee have designated Expedited Permitting Districts as enabled by MGL 43 D. These municipalities identified these locations as areas where development is desired. Wherever possible, county community leaders, such as economic development leaders, should work with appropriate municipal officials in these communities to direct development to these districts.

GOAL LU 3.3: Identify and prioritize areas targeted for redevelopment and new development as a way to attract new economic growth.

Policy LU 3.3.1: Designate Local and Regional Priority Development Areas.

Strategy A: Conduct a County Wide Process to Designate Sites as Regional and State Priority Development Areas

The Berkshire Regional Planning Commission should initiate a process of prioritizing sites in the region for new development as described previously in the Tools and Techniques section. The first step is to secure funds to conduct this process. This process would be built on the prior work of the municipalities and be conducted in close cooperation with municipal as well as state officials.

Strategy B: Identify Local Priority Development Areas

In many instances, Local Priority Development Areas can be determined from pre-existing municipal documents, such as existing Master Plans. The Berkshire Regional Planning Commission should compile the existing sites. In those municipalities where these sites have not been clearly identified,

the Berkshire Regional Planning Commission should work with municipal officials to identify Local Priority Development Areas.

Strategy C: Identify Regional Priority Development Areas

Local Priority Development Areas would serve as candidate areas for Regional Priority Development Areas once they have been identified by the municipalities. Berkshire Regional Planning Commission should convene and coordinate key stakeholders, including municipal representatives, the private sector, economic development entities, institutions and key non-profit organizations to identify Regional Priority Development Areas. It is important for there to be regional consensus on these areas.

Strategy D: Work with State Officials to Designate State Priority Development Areas

Regional Priority Development Areas would serve as candidate areas for State Priority Development areas. Berkshire Regional Planning Commission should work with state officials to designate select Regional Priority Development Areas as State Priority Development Areas.

Strategy E: Integrate Priority Development Areas in Regional Economic Development Plans and Activities

There are a number of entities promoting economic development in Berkshire County. For instance, Berkshire County has a Comprehensive Economic Development Strategy as required by the U.S. Economic Development Administration to maintain eligibly for certain federal Department of Commerce grants. A close nexus should exist between land use planning and economic development planning as a way to attract new public and private investment in the region. The Berkshire Regional Planning Commission should work to integrate Priority Development Areas into relevant economic development plans and activities.

Goal LU 3.4: Coordinate land use development activities between municipalities as a way to attract new development and growth.

Policy LU 3.4.1: Improve coordination across municipal boundaries to promote consistent development standards and approval processes to facilitate site reuse or development.

Strategy A: Identify Areas Where Enhanced Municipal Cooperation may be Warranted

There are a number of areas in Berkshire County where relatively high density development, mostly commercial and industrial, occurs along municipal boundaries. The Route 8 corridor in Adams and North Adams and the Route 7 & 20 corridor in Pittsfield and Lenox are two examples. Development or re-development efforts of these areas may benefit from communities working more closely. Berkshire Regional Planning Commission should identify such areas. Working with municipal officials the Berkshire Regional Planning Commission should conduct small area studies of these areas.

Strategy B: Explore Municipal Growth and Development Policy Committees as Enabled by MGL c 40 sec. 41 to Enhance Cooperation

As a way to advance increased development opportunities and end up with improved development projects, municipalities should explore Municipal Growth and Development Policy Committees. Initially these committees should be established for those areas along municipal boundaries that have been identified as possible targeted area for new development, such as Hubbard Avenue in Pittsfield / Dalton. These would provide the opportunity to bring directed resources and attention to making these areas more desirable for development. If this model proves successful, it could be used for other identified areas.

IMPLEMENTATION

On March 20, 2014, the Berkshire Regional Planning Commission adopted the entire Sustainable Berkshires plan, which is comprised of eight elements:

- Economy
- Housing and Neighborhoods
- Climate and Energy
- Conservation and Recreation
- Local Food and Agriculture
- Historic Preservation
- Infrastructure and Services
- Land Use

The new regional plan, including the goals, policies and strategies set forth in this element, will be implemented by a variety of actors over the next decade. The plan contains numerous strategies, some of which are longer-term or "big ticket" items that will take some time and planning; others are already underway or can be implemented immediately. As a regional plan, this is a non-regulatory document whose main purpose is to set a cohesive strategy for the Berkshire region to align actions, priorities, and investments to yield the greatest benefit to the region.

Because implementation will be an active and evolving process over the next decade, the implementation strategy for all eight elements is contained under separate cover to allow it to be used as a working document. Updates to the elements will occur as needed over time to reflect major needs and trends of the region. However, the Implementation addendum to the plan is an administrative document that will serve three functions:

1. A schedule of implementation timeframes, responsible parties, and potential funding sources to be used or pursued;
2. A tracking mechanism for implementation actions taken over time to record progress as it is made; and
3. A planning tool to help the Commission and its other implementation partners pull out certain strategies to pursue in one or three-year action plans to help focus effort and achieve results.

In addition to the implementation addendum, a number of data points will be tracked over time to measure change in certain metrics. These metrics were selected based on available data that relates to the goals and strategies called for in each element. The metric reports will be openly available online through BRPC's Berkshire Benchmarks program website (www.berkshirebenchmarks.org).

Appendices

Land Use Element

A: Land Use Forums

APPENDIX A: LAND USE FORUMS

FORUM SUMMARY

As part of the process for the Land Use element of *Sustainable Berkshires,* open forums were held on February 11, 2014 in Great Barrington Massachusetts and February 12, 2014 in Pittsfield Massachusetts to discuss the current status and future directions for land use in Berkshire County. Six members of the public attended each forum.

The forums were conducted in an open house format. Inasmuch as infrastructure and services are inextricably linked with land use, these forums were combined with the Infrastructure and Services element of *Sustainable Berkshires*. Large size maps of existing conditions and posters with the proposed Goals, Policies and Strategies were available for people to review at their own pace. Included was the Future Land Use map and future land use categories. Attendees were provided with "post it" notes to provide comments about the material presented. BRPC staff members were available to provide greater information about the topic as well as available for questions and discussions. Snapshots for the elements were also available in printed form.

The following comments were received:

Land Use:

- Support was indicated regarding prevention of fragmentation of undeveloped land
- A suggestion was made to limit the length of driveways and limit the building footprint as a way to limit fragmentation and minimize the ecological impact of development
- Support was indicated for land use strategies that maintain the natural heritage of the region as well as the aesthetic character
- A comment was made that land use practices have a profound effect on energy use
- Support was shown for dark sky bylaws because light pollution is an issue of concern

Infrastructure and Services:

- Support was indicated for using innovative approaches for water management, waste water management and stormwater management
- Support was expressed for complete high speed internet service and wireless services throughout the county as essential for regional economic development
- At the same time, caution was expressed about the unintended consequences of providing high speed broad band internet service to all areas of the region, such as increasing the pressure for new residential development
- A suggestion was made to offer land use education to area schools as a way to encourage greater ownership of land use actions by municipal officials over the long term
- In addition to providing alternative modes of transportation, a suggestion was made to improve the promotion of those routes and enhance and facilitate interconnections between various transportation modes
- Support was indicated for complementary bikeway access for all funded road construction projects
-

Adjustments were made to the Goals, Policies and Strategies, as appropriate, as a result of the forums.