

BERKSHIRE REGIONAL PLANNING COMMISSION
1 FENN STREET, SUITE 201, PITTSFIELD, MASSACHUSETTS 01201
TELEPHONE (413) 442-1521 · FAX (413) 442-1523
www.berkshireplanning.org

SHEILA IRVIN, Chair
RENE WOOD, Vice-Chair
GALE LABELLE, Clerk
CHARLES P. OGDEN, Treasurer

NATHANIEL W. KARNS, A.I.C.P.
Executive Director

The next meeting of the
Berkshire Regional Planning Commission
Regional Issues Committee
will be held on:
Thursday, May 30, 2013 at 3:00 p.m.
Lee Library Meeting Room, 100 Main Street, Lee, MA

AGENDA

- I. **Call to Order**
- II. **Approval of Minutes of May 13, 2013 Meeting**
- III. **Review of Latest Land Use Reform Legislation – H. 1859 (starting at Section 20)**
- IV. **Next Meeting Topic and Date**
 - Tuesday, June 11, 4 p.m.?
 - Land Use Reform or Utility Relocation Issue?
- V. **Adjournment**

City and Town Clerks: Please post this notice pursuant to M.G.L. Chapter 39, Section 23B

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***DRAFT* MINUTES OF THE REGIONAL ISSUES COMMITTEE**

May 14, 2013

*At the Berkshire Regional Planning Commission Office
1 Fenn Street, Suite 201, Pittsfield, MA 01201*

I. Call to Order

The meeting was called to order at 4:02 p.m.

The following Committee Members were present:

Jamie Mullen, New Marlborough, Chair
Bob Bott, Mount Washington
Sarah Hudson, Tyringham
Chris Rembold, Great Barrington

Staff Present:

Nat Karns, Executive Director

II. Minutes from March 12, 2013 Meeting

Upon a motion by Sarah Hudson, seconded by Bob Bott, the minutes were approved (abstention by Chris Rembold).

III. Review of Latest Land Use Reform Legislation – H. 1859

The Committee worked off the Bill Section Description handout, and began a section by section review.

Section 1:	support expanding definition of “Permit Granting Authority”
Section 2:	support new definitions, with some discussion about regulating exterior building materials
Section 3:	support expansion of authority to incorporate Home Rule powers and explicitly allow certain land use management techniques
Section 4:	support the ability to reduce the supermajority zoning adoption or amendment requirement
Section 5:	support that reduction in supermajority vote requirement takes a supermajority and delay in effective date
Section 6:	support changes to vested rights language
Section 7:	same as above

- Section 8: support change in vested rights to two years for a building permit and three years for a special permit after submittal and notice of submission prior to publication of notice for ordinance or bylaw change which would affect them
- Section 9: support the five year dimensional vested rights protection
- Section 10: support 8 year vesting for definitive subdivision plans and four years for minor subdivision plans; they do want to review closely the changes proposed in Chapter 41 for preliminary and definitive subdivision plans and their vesting.
- Section 11: support elimination of 3 year vested rights protection for ANR lots
- Section 12: support striking “land shown on” plans vesting (which protects from any zoning change) to vest only the plan as submitted and approved
- Section 13: support change from “Special Permits” to “Special Provisions”
- Section 14: support elimination of the limiting language as being out of date given the 1966 Home Rule Amendment
- Section 15: believe that no language is needed, given the previously sated Home Rule Amendment, which would require that multi-family use in non-residentially zoned areas shall require certain factors must be met. Given home rule authority, this language seems unnecessary and, in fact, contrary to home rule provisions
- Section 16: believe that the supermajority for special permits should be retained, with provision for a local option to allow special permits by simple majority, with such change requiring a supermajority (similar to provision of Sections 4 and 5 above)
- Section 17: support minimum 3 year duration for a special permit
- Section 18: support amendment requiring that hazardous waste facility exemption be limited to hazardous waste facilities which are principal (not accessory) uses
- Section 19: same as above

The committee began an initial discussion regarding Section 20, pertaining to Site Plan Review, but determined to pick up at this point at its next meeting.

IV. Next Meeting Topic and Date

The Committee decided to meet in Lee (location to be determined) on Thursday, May 30th, at 3 p.m. prior to the 5th Thursday dinner.

VI. Adjournment

The meeting was adjourned at 6:02 p.m.

Material Sent or Provided to the Committee

- Agenda for 5/14/2013 Meeting
- Minutes of 3/13/2013 Meeting
- The Time is Past Due for Zoning Reform in Massachusetts
- Summary of “An Act Promoting the Planning and Development of Sustainable Communities” (House Bill #1859)
- Bill Section Descriptions “An Act Promoting the Planning and Development of Sustainable Communities” House Bill #1859
- Outline of Zoning Reform Bill
- Talking Points “An Act Promoting the Planning and Development of Sustainable Communities” House Bill #1859