

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

KYLE HANLON, Chair
SHEILA IRVIN, Vice-Chair
MARIE RAFTERY, Clerk
CHARLES P. OGDEN, Treasurer

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

MEETING NOTICE

A meeting of the Berkshire Regional Planning Commission
will be held on:

Thursday, September 22, 2016, at 7:00 p.m.

Berkshire Regional Planning Commission Offices
Pittsfield, Massachusetts

Meeting Material: All written materials for the meeting are posted on BRPC's website:
www.berkshireplanning.org. Click on the calendar date for the meeting and materials available
will be listed.

AGENDA

I. Opening (7:00-7:05)

- A. Call to Order
- B. Roll Call
- C. Approval of Minutes of May 19, 2016 Meeting
- D. Approval of Minutes of July 14, 2016 Meeting

II. Comments from the Public (7:05—7:10)

Members of the public may offer comments regarding topics which are on the agenda or other matters which they wish to bring to the Commission's attention. Comments are limited to no more than three minutes and are to be directed to the Commission.

III. Delegate & Alternate Roles & Responsibilities & Overview of Commission Activities (7:10-7:35)

IV. Delegates' Issues (7:35-7:45)

Delegates and Alternates may bring up any issue not on the agenda.

V. Consideration of Comments Regarding Building and Related Code Trigger Issues (7:45-8:05)

The Regional Issues Committee has devoted several meetings over the summer to the complex issues involving how various building related code compliance requirements are triggered for building renovations. These involve requirements for water sprinklers, as well as Americans with Disability Act compliance and even seismic code requirements. The Committee was educated by a local designer with considerable experience in these issues and a local building commissioner. A draft letter to the Secretary of Housing and Economic Development is attached for consideration by the Commission.

VI. Consideration of Comments Regarding Need for Continuing Broadband Improvements Statewide (8:05-8:30)

The Regional Issues Committee has also developed a letter to Governor Baker regarding issues with lack of real broadband service in all our communities. While happy that many of our unserved towns are finally proceeding to build-out of fiber to the home solutions, that leaves all other communities at a disadvantage. This will affect the Berkshire's (and entire State's) economic competitiveness in the next few years. A draft letter to Governor Baker is attached for consideration by the Commission.

VII. Consideration of Comments Regarding FERC Regulatory Process for Gas Pipelines (8:30-8:45)

The four Massachusetts and two New Hampshire regional planning agencies which were involved in the Tennessee Gas Pipeline Northeast Energy Direct project issue have drafted a letter to be sent to our U.S. Senators and Congressman requesting changes in the Federal Energy Regulatory Commission process. A copy of the proposed letter is attached for your consideration. Each regional commission is asked to adopt the letter and submit it to their federal delegation. We would also share it with Rensselaer County, with whom we worked closely during this process, and request they take similar action.

VIII. Approval of Executive Committee Actions between July 14 and September 22, 2016 (8:45-8:50)

IX. Executive Director's Report (8:50-9:00)

- A. Public Meetings for More Efficient BRTA Bus Service – Thursday, September 22nd and Friday, September 23rd
- B. Attorney General's Municipal Law Unit Training on the By-law Adoption, Submission, and Review Process – Tuesday, October 18th, Blandford Town Hall
- C. Status of District Local Technical Assistance Program for 2017
- D. Opening of Fiscal Year 2017 Community Compact Programs Announcement
- E. Berkshire Public Health Alliance Flu Vaccination Clinics
- F. BRPC Annual Dinner – Thursday, October 20th, 5:30 p.m., Pittsfield Country Club
- G. Other

X. Adjournment (9:00)

Other interested citizens and officials are invited to attend.

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

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Executive Director

DRAFT MINUTES OF THE BERKSHIRE REGIONAL PLANNING COMMISSION MEETING

Thursday, May 19, 2016
At the Berkshire Regional Planning Commission Office
1 Fenn Street, Suite 201, Pittsfield, MA 01201

I. Call to Order

A. The meeting is called to order at: 7:00 PM

Chair Sheila Irvin reminded all per the open meeting law, BRPC records all meetings. Others may record the meeting after informing the chair. Any documents presented must be left with the chair at the meeting.

B. Introductions/Roll Call

The following Commission members are present:

John Duval – Adams Alternate
Gale LaBelle – Becket Alternate
Peter Traub – Cheshire Delegate
Malcom Fick – Gt. Barrington Delegate
Peter Bluhm – Lee Delegate
Bob Bott – Mt. Washington Delegate
Kyle Hanlon – North Adams Delegate
Michael Ernst – Otis Delegate
Sheila Irvin – Pittsfield Delegate
Rene Wood – Sheffield Alternate
Kate Fletcher – Stockbridge Delegate
Marie Raftery – Stockbridge Alternate
Sarah Hudson – Tyringham Alternate
Marilyn Wiley – Washington Delegate
Roger Bolton – Williamstown Alternate

Staff Present:

Nat Karns – Executive Director
Tom Matuszko – Assistant Director
Marianne Snizek – Office Manager
Clete Kus – Transportation Manager
Emily Lindsey – Transportation Senior Planner

Others Present: Julia Dixon - Creative Economy Specialist at 1Berkshire
Paul Smernoff- Williamstown Resident
Jim Therrien – Berkshire Eagle Staff

C. Approval of Minutes of Commission Meeting of March 17, 2016

Rene Wood moved to approve with revision; seconded by Kyle Hanlon. Unanimously approved with 5 abstentions.

II. Comments from the Public - None

III. MAY 9, 1966 – BRPC’s 50th Anniversary – After an applause, it was decided to serve cake after the meeting.

IV. Delegates’ Issues

Peter Bluhm from Lee asked for an update on standard bridge designs from the state. Nat replied MassDOT explained to BRPC that cookie cutter designs could not be done because the state needs to understand the geology supporting the bridge and there is testing involved. BRPC will prepare a brief memo to share MassDOT’s response. Rene asked if it was possible to send additional comments on the Capital Investment Plan (CIP) stating that although we recognize this is a policy issue and not part of the Capital Investment Plan it should be noted that it has extreme implications for the practicality of building bridges and the use of the money to the region. Also ask if something could be done to assist in reducing the cost of bridge design.

Gale LaBelle from Becket informed the group a pharmaceutical company wants to submit an application to build four green houses for medical marijuana. The company wants to store data on the cloud and have computer service. There are areas in Becket that do not have internet service.

Kate Fletcher from Stockbridge suggested a possible topic for the Regional Issues Committee would be to look into the regulation of drones.

V. Ride-Hailing Services (i.e. Uber, Lyft) in the Berkshires

Senior Planner, Emily Lindsey and Julia Dixon, Creative Economy Specialist at 1Berkshire, briefed the Commission on the nature and issues involved with ride-hailing

What is ride-hailing?

Ride-Hailing applications (like Uber or Lyft) allow travelers to order a car using a smartphone application. They connect passengers to drivers and providing a cash-less travelling experience.

Opportunities

- Increased travel options for smartphone owners
- Easily connects passengers and drivers (no flagging down cars, or waiting to talk to a dispatcher)
- Increased mobility for those that do not own/operate automobiles
- Unprofessional drivers (and passengers) are weeded out via ratings system
- Unlike taxi-services, these operate cash-less, all you need is a credit card linked to your account
- Potential safety benefits (replacing impaired driver trips) and subsequent economic benefits
- Drivers can be full-time or part-time, bringing a flexible opportunity for all drivers and do not need a Commercial Drivers License
- Complements existing (limited) transit system

Challenges

- Reliability with too few drivers
- Must own a smartphone and data plan
- Surge pricing (based on supply/demand)
- Taxi and ride-hailing service tension
- Taxi and ride-hailing service regulation
- Potential safety concerns
- Drivers must be at least 21 and drive a car that is 2000 or newer. The car must have 4 doors and be insured

Julia Dixon explained 1Berkshire conducted a survey. There were 1583 responses.

- Most people use Uber on the weekends and nights.
- The driver receives 75% and Uber received 25% of the fee collected.
- Uber is cheaper than taxi service.
- Uber is trying to sign up as many drivers as possible.
- Many young people are used to using Uber in other cities and would like to use Uber in Berkshire County.
- Less young people have their driver's license due to the cost of owning a car and the testing for obtaining a driver's license has become harder.

Emily explained since Uber uses smartphones, locations and tracking of rides is useful data that is collected and many states are buying data like that for transportation analysis. Uber also helps people get to public transit locations. Also as a result of a lawsuit in Massachusetts and California, where drivers claimed Uber had "misclassified" them as independent contractors, rather than employees, Uber has agreed to help create an Uber "drivers association" in both CA and MA, while drivers still are officially contractors. At present, there are not a lot of details on what the association will look like, though the group discussed the creation of an Uber employee association in Washington state.

VI. FY 2017-2021 Transportation Improvement Program

Clete Kus, Transportation Manager gave an overview of the draft Transportation Improvement Program for FY 2017 to FY 2021 that is in alignment with the State's Capital Investment Plan.

Clete reviewed the first three years of the Tip (Scenarios 1, 2 and 3)

Under Scenario 1 the Pittsfield BMC area is not moving along. Under Scenario 2 there is a funding gap, the unused money would go to another area in the state.

At its last meeting, the Berkshire MPO indicated it preferred Scenario 3. This Scenario programs all the money by rearranging the projects and adding a new project (Clarksburg, Route 8) in FFY 2017.

At its last meeting, the Berkshire MPO indicated its preference to advance Scenario A for FFY 2020 – 2021.

Clete reviewed the last two years of the TIP (Scenarios A, B, and C)

Scenario A, B and C are all rated about the same. At both the MPO and TAC meetings Scenario A was the preferred Scenario. The Hinsdale, Skyline Trail project has been on the TIP for many years and is the one section of the road that had not been improved.

Scenario B the Hancock Route 20 is more heavily traveled but in better shape than the Hinsdale project. In Scenario C the Otis Rte 23 road condition is between the condition of the Hinsdale Project and the Hancock project.

There was a discussion to clarify the makeup of the Transportation groups.

MPO – Selectboard members and elected officials are on the MPO.

TAC – Every community can have a representative appointed by the Selectboard, the town administrator or the Mayor. Six or seven communities have appointees who regularly attend.

Nat asked the Commission to recommend how the Chair should vote on the Transportation Improvement Program (TIP) at the MPO meeting on June 28th.

Rene Wood made a motion for the Chair to endorse Scenario 3 and Scenario A at the next MPO meeting; Peter Bluhm seconded. Approved by a vote of 11 in favor and 3 opposed.

VII. FY 2017 Transportation Unified Planning Work Program

Clete Kus gave an overview of the draft work activities for the Transportation Unified Planning Work program which is a list of the transportation planning activities for the next federal fiscal year for Berkshire County.

The planning studies and tasks in the UPWP will be a MPO action item at their upcoming meeting.

VIII. Senate Bill No. 2144: An Act Promoting the Planning & Development of Sustainable Communities

Nat explained the Regional Issues Committee reviewed the revised bill on reforming land use and subdivision laws. There are a lot of good aspects to the bill and there are a few new things added to the bill. The draft letter presented is our recommendation to support the bill with some changes requested.

Rene thanked the committee for their work.

Rene Wood moved to approve the letter as presented; seconded by Gale LaBelle. Unanimously approved.

IX. Consideration of BRPC FY 2017 Budget

Tom explained the overall budget for FY2017 has decreased due to less for subcontractors. The agency's benefits have decreased due to fewer staff taking health or dental benefits.

Rene Wood moved to approve the BRPC FY 2017 Budget as presented; seconded by Mike Ernst. Unanimously approved.

X. Nominating Committee Report – Slate of Officers for FY 2017

Rene Wood reported the Nominating Committees nominations for the following slate of officers:

Chair	Kyle Hanlon
Vice-Chair	Sheila Irvin
Clerk	Marie Raftery
Treasurer	Charles Ogden

XI. Approval of Executive Committee Actions between March 17 and May 5, 2016

Rene Wood moved to approve all Executive Committee actions between March 17, 2016 and May 5, 2016; seconded by Kyle Hanlon. Unanimously approved.

XII. Executive Director's Report

A. 2017 State Budget and District Local Technical Assistance Funding

Nat recommended that all should call or email Senator Downing and Senate President Stanley Rosenberg to support DLTA and actually increase DLTA funding for FY2017.

B. Tennessee Gas Pipeline Northeast Energy Direct Project Status

C. Initial Meeting of Rural Policy Advisory Commission – June 10, 11:30 a.m.-1:30 p.m. Franklin Regional Council of Governments, Greenfield

D. Project to Update Mt. Washington's Parcel Maps

E. Update of Pittsfield's Open Space & Recreation Plan

F. Initiation of Health Impact Assessment Project for Egremont

G. Initiation of Tyringham Pavement Management Assessment

H. Egremont Complete Streets Project

I. Initiation of Natural Hazard Mitigation Planning Project for Lanesborough

J. Other – Sarah asked about the Sandisfield ruling on Article 97. Nat replied the Berkshire Superior judge has ruled that FERC can overrule Article 97.

XIII. Adjournment

Peter Bluhm made a motion to adjourn; seconded by Sarah Hudson. Unanimously approved. Adjourned at 8:54 pm.

Cake was served after the meeting was adjourned.

Materials distributed or presented during this meeting:

Meeting Agenda
Draft Meeting Minutes
Approval of Executive Committee Actions Memo
Executive Director's Report
Ride-hailing Services handout
Consideration of Proposed Transportation Improvement Program memo
Scenarios – Berkshire MPO FFY 2017 - 2021 TIP
2017 UPWP Planning Studies & Tasks
Draft Letter recommended by the BRPC Regional Issues Committee
Two page summary
Senior Planner Brian Domina memo dated March 3, 2016
Jay Wickersham and Robert Richie memo dated July 8, 2015
Capital Investment Plan letter April 28, 2016
Proposed FY2017 Budget memo May 12, 2016
Draft FY2017 Budget (Revenue and Expenditures)
Tennessee Gas Pipeline Docket No. CP 16-21-000 Northeast Energy Direct Project
Rural Policy Advisory Commission May 10, 2016

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DRAFT MINUTES OF THE BERKSHIRE REGIONAL PLANNING COMMISSION MEETING

Thursday July 14, 2016
At the Berkshire Regional Planning Commission Office
1 Fenn Street, Suite 201, Pittsfield, MA 01201

I. Call to Order

A. The meeting is called to order at: 5:30 PM

Chair Sheila Irvin reminded all per the open meeting law, BRPC records all meetings. Others may record the meeting after informing the chair. Any documents presented must be left with the chair at the meeting.

B. Introductions/Roll Call

The following Commission members are present:

Alex Glover – Alford Delegate
Peter Traub – Cheshire Delegate
Buck Donovan – Lee Alternate
Bob Bott – Mt. Washington Delegate
Kyle Hanlon – North Adams Delegate
Sheila Irvin – Pittsfield Delegate
CJ Hoss – Pittsfield Alternate
Rene Wood – Sheffield Alternate
Ruth Pearce – Stockbridge Delegate
Sarah Hudson – Tyringham Alternate
Michael Case – Washington Alternate
Roger Bolton – Williamstown Alternate

Staff Present:

Tom Matuszko – Assistant Director
Marianne Sniezek – Office Manager
Lauren Gaherty – Senior Planner
Eammon Coughlin – Senior Planner

Others Present: Andy McKeever – iberkshire

C. Approval of Minutes of Commission Meeting of March 19, 2016

The approval will be postponed until the next meeting due to a mix up of the dates in the draft minutes.

II. Comments from the Public - None

III. Delegates' Issues - None

IV. Election of BRPC Officers for FY 2017

The Nominating Committee proposed the following slate of officers for FY 2017:

Chair: Kyle Hanlon, North Adams Delegate
Vice Chair: Sheila Irvin, Pittsfield Delegate
Clerk: Marie Raftery, Stockbridge Alternate
Treasurer: Charles Ogden, Egremont Alternate

Sheila announced nominations will be taken from the floor. There were no nominations from the floor.

Rene Wood moved to accept the nominations for the FY2017 slate of officers; seconded by Sarah Hudson. Unanimously approved.

Sheila thanked all for the opportunity to be the Chair of the Commission.

V. Endorsement of Committee Chair and At-Large Executive Committee Member Appointments for FY 2017

James Mullen, Environmental Review Committee Chair (New Marlborough)
Sam Haupt, At- Large (Peru) Transportation Expert
John Duval, At-Large (Adams)
Roger Bolton, At-Large (Williamstown)

Kyle Hanlon asked to write in Rene Wood as Commission Development Committee Chair for FY2017.

Kyle Hanlon moved to endorse the At-Large Executive Committee Members and Committee Chairs; seconded by Alex Glover. Unanimously approved.

VI. Environmental Review Comments

A. Mill Street (Tel-Electric) Dam Removal and West Branch Housatonic River Restoration (Pittsfield)

Senior Planner Lauren Gaherty explained after a site visit there were four main areas the group reviewed:

1. Removal of the dam and no rehabilitation for energy generation
2. Sediment to be released slowly
3. The dam is privately owned
4. The impacts to Fisheries and Aquatic Organisms

Lauren also explained BRPC did not support the proponents' request for a waiver from filing an EIR.

Rene Wood suggested maybe a cost analysis could be done on the cost to fix the dam and put in hydroelectric.

Lauren explained the Environmental Review Committee developed and submitted the attached comments regarding an Expanded Environmental Notification Form for the removal of the Tel-Electric Dam on the West Branch of the Housatonic River and related river restoration in Pittsfield. BRPC can, if requested, submit additional comments.

Roger Bolton moved to approve the comments submitted on July 6, 2016 for the removal of the Tel-Electric Dam as presented; seconded by Sarah Hudson. Unanimously approved with 2 abstentions.

B. Lenox Landfill Solar PV Project ENF

The project involves the installation of a 2,340-panel solar PV array on the Town of Lenox landfill in Lenox Dale. The project is approximately 5 acres in size and is proceeding through MEPA because it is located within the Upper Housatonic River ACEC. Due to the timing of the site visit, comments were sent prior to the meeting.

Lauren pointed out the two impacts of the project are the removal of trees and the loss of public access to the town-owned Post Farm recreational area.

Rene Wood moved to approve the comment letter sent July 7, 2016 to the Executive Office of Energy and Environmental Affairs for the installation of solar PV array on the Town of Lenox landfill as presented; seconded by Sarah Hudson. Unanimously approved with 1 abstention.

Rene suggested in future comments to use a stronger word instead of using the word "echo".

VII. Local Regulation of Aviation

In a recent State Appeals Court decision involving the Town of Sheffield, the Court has ruled that municipalities cannot regulate any form of aviation without pre-approval of the regulation by the Aeronautics Division of MassDOT. This is true, even if the only regulation by the municipality is by silence, i.e., by not including the aviation use in the Schedule of Uses and thus prohibiting it. Local attorney Alexandra Glover, who represented the property owner in this case and who is also the BRPC Delegate from Alford, educated the Commission on this ruling and its implications for all Berkshire municipalities.

Alex explained planes landing on ponds or lakes fall under different regulations. Airplane and helicopter regulations must be pre-approved by the Aeronautics Division of MassDOT. Municipalities should be aware there is a database of registered airstrips/landing strips.

The topic of drones came up. What drones are and the definition of drones is changing all the time. MassDOT does identify drones as aircraft.

Alex Glover recommended that towns (planning boards or select boards) go through their bylaws and put together a short memo of how they would regulate private airports and send the memo and their bylaw to the MassDOT Aeronautics board. The MassDOT Aeronautics board would then provide specific comments about what the town would need to do to change their bylaw to control these uses. The towns would then need to change their bylaws accordingly. Rene suggested BRPC send a letter to select boards, town managers and mayors where they should send their bylaws in order to get MassDOT Aeronautics board input and approval.

After the discussion, Rene suggested Aviation excluding drones could be a future topic for the Regional Issues Committee and possibly a DTLA17 nomination for a project.

Rene Wood moved for the Regional Issues Committee to discuss the topic of Aviation for airplanes and helicopters excluding drones; seconded by Michael Case. Unanimously approved.

VIII. Aging in Place Workbook and Video

Senior Planner Eammon Coughlin presented the Aging in Place YouTube video which has been developed under the Age Friendly Berkshires program. Eammon also passed around the Berkshire County Residential Aging in Place Workbook. The video and workbook will be used for training. As a result of the Age Friendly survey 98% of the people surveyed want to stay in their own homes. The tools are intended to provide help to aging people to stay in their home by following the instructions in the workbook:

1. Conducting a Home Audit
2. Identify Renovation Options
3. Selecting a Contractor
4. Other Resources and information available.

Eammon explained the materials would be distributed through Councils on Aging and other municipal departments. At the last Age Friendly Task Force meeting the video and workbook was used to train the trainer. Peter Traub suggested volunteers or recommendations for volunteers could be used to assist with the home audits.

IX. Approval of Executive Committee Actions between May 19 and July 14, 2016

Rene Wood moved to approve all Executive Committee actions between May 19, 2016 and July 14, 2016; seconded by Kyle Hanlon. Unanimously approved.

X. Executive Director's Report

A. Resignation of Senior Planner Brian Domina

B. 2017 District Local Technical Assistance Funding

The legislative Budget Conference Committee has recommended level funding for the DLTA program at \$2.8 million. We were very concerned that with the state's revenue shortfall, this funding would be reduced or even eliminated by the Conference Committee. As most of you know, District Local Technical Assistance (DLTA) funding has been the lifeblood of BRPC's ability to provide significantly enhanced planning services to our municipalities since the program began in 2009. The Governor's proposed 2017 budget only recommended \$2.0 million for DLTA funding to the regional planning agencies, a decrease of \$800,000 (29% decrease) (budget line item 1599-0026). The House Budget has increased the funding to the historic \$2.8 million level. The Senate Budget did not provide any funding. The House and Senate are taking up the final budget approval today in order to have an "on-time" budget on the Governor's desk tonight, before the start of the fiscal year at midnight. We will have to closely monitor the Governor's budget actions as he has ten days to send line items back to the legislature with vetoes or reductions.

Tom informed all the governor vetoed the entire amount of funding for DLTA. BRPC has taken action to support the DLTA funding and override the governor's veto. Rene urged all to go home and send an email tonight to Speaker of the House, Robert DeLeo, to support DLTA funding.

C. New Planning Board and Zoning Board of Appeals Member Training – Thursday, July 21st, BRPC

D. New Health Board Member Training – Monday, August 29th, BRPC

E. 2016 MassWorks Applications Open - applications due no later than September 2nd

F. Proposed Transportation Improvement Program for FY 2017-2021

G. Approval of 5-Year Capital Investment Plan by the MassDOT Board

H. Award of Sheffield/Great Barrington Community Development Block Grant by the Department of Housing & Community Development

I. Award of DEP/EPA 604b Water Quality Management Planning project for Documenting Bacterial Improvements in the Hoosic and Housatonic Rivers

J. Other – Marianne and Tom asked for Delegates to complete the form for Authorization for the Executive Committee to Act on Behalf of the Commission.

Tom thanked Sheila for her years of service as the Chair of the Commission.

XII. Adjournment

Rene Wood made a motion to adjourn; seconded by Kyle Hanlon. Unanimously approved. Adjourned at 7:15 pm.

Materials distributed or presented during this meeting:

Meeting Agenda

Draft Meeting Minutes

Approval of Executive Committee Actions Memo

Executive Director's Report

Executive Director's Memorandum – Endorsement of Committee Chair and At-Large Committee Member Appointments

Tel-Electric Dam Removal Comments

Comment letter to EOEEA – RE: Lenox Landfill Solar PV Project EEA#15532

Zoning Bylaw Significance Aviation Uses

New Planning Board and Zoning Board of Appeals Member Training

MassWorks Infrastructure Awards

FY2017-2021 Transportation Improvement Program Roads, Bridges, Bike Paths

Age Friendly Video and Booklet

DRAFT 9/14/2016

Mr. Jay Ash, Secretary
Executive Office of Housing & Economic Development
One Ashburton Place, Room 2101
Boston, MA 02108

RE: Building and Related Code Trigger Issues

Dear Secretary Ash:

Since the Baker Administration took office, the Berkshire Regional Planning Commission has been talking with Paul McMorrow, your Director of Policy and Communications, about a long-standing issue in the Berkshires regarding how the value of buildings is used to trigger compliance with various codes set by different arms of State government when developers seek to renovate buildings. Mr. McMorrow has recently indicated that progress is being made on this issue and we hope that it can reach a productive closure in the near future.

Currently, the assessed value of the building is used to establish a trigger for bringing that building into complete code compliance for various codes. The problem faced in a low demand market like much of the Berkshires is that building values are so low that almost any renovation triggers full code compliance, often for multiple codes. Given the high market demand in other parts of the Commonwealth, such as a Brookline or Newton, the same size building which is similar in nature would be so highly valued that no accessibility, fire or seismic code requirements would be triggered for the same renovation. Given that the return on investment in the high market demand area is so much higher than any potential return on investment in a low market demand area such as Pittsfield, North Adams or Adams, this has no economic logic behind it at all. The end result is that we can show multiple examples of building owners or developers wanting to make investments to improve buildings which are either abandoned or very underutilized, and reinvest in our communities, but they end up abandoning the project due to the significantly escalating costs and inability to realize any return on their investment. This obviously then leads to the building being abandoned and becoming an increasing problem, ultimately falling into an unsalvageable condition, becoming a blight on the entire neighborhood or downtown, and finally needing to be demolished, usually at the public's expense.

The Fire Code, established in the Office of the State Fire Marshall, is the most problematic, especially requiring that the entire building be provided with a sprinkler system even if the renovation or expansion is only in a small part of the building, in this regard. Part of the problem with the Fire Code is that "Substantial Renovation" has never been clearly defined and the Office of the State Fire Marshall is arbitrarily determining what that means, based on a several decades old court case which did not actually provide much clarity. One clear step which is needed is to define "Substantial Renovation" in a reasonable fashion. It should not be based on the value of the building but on all or some combination of: 1) some percentage (33-50% perhaps) of the building area which is being renovated; 2) a requirement that only the renovated portion of a building needs to achieve fire code compliance; or 3) requiring that some percentage of the renovation costs (10-15%) in any building must be used for code compliance issues (unless the issues remaining are less than 3%). According to information we have

received, the Appeals Board has proven to be particularly inflexible and apparently dismisses any arguments regarding the economic viability of compliance. In August the Supreme Judicial Court overturned a fire chief's and subsequent Housing Court's ruling in Robert MacLaurin vs. City of Holyoke on exactly this point, without clarifying the standard which should be used. The net result of the lack of a reasonable standard which acknowledges that economic viability needs to be considered is that buildings become abandoned and then become a threat to the health and safety of neighbors, fire fighters and other public safety personnel having to deal with arson or other incidents in those buildings, as well as harming the surrounding community.

There are other issues with the various codes which seem to be created by either legislative or regulatory meddling with the reasonably well-researched International Building Code (IBC) used in almost every other State. These modifications to the IBC create a variety of problems. For instance, in most states, a fire rated wall can be used to provide fire protection in a building which is intended to allow time for occupants to safely evacuate. In Massachusetts, the State Fire Marshall will not allow their use to meet fire code standards and insists on complete sprinkler systems. There are other code requirements that the legislature has from time to time put into law to address one specific, typically local, issue. There are also conflicting requirements for accessibility between the Americans for Disability Act requirements and those of the Massachusetts Architectural Access Board. All of these variations from common practice in other states lead to the presumably unintended consequence that stock building materials or designs used in 49 other states cannot be used in Massachusetts which probably helps to drive up construction costs here. It also is especially problematic in parts of the state that are in close proximity to other states and where contractors do work in both (or several). In our case, the Berkshires are bordered by three different states and contractors may well do work in two or more and material suppliers may be in a different state.

We hope that work your office has taken on to resolve the issues we have raised will be completed as soon as possible. As you are well aware, the Berkshires, and other low market demand areas of the State, are not enjoying the same prosperity as the greater Boston market is. Our communities desperately need new investment, especially in buildings and neighborhoods which have been suffering from substantial dis-investment for several decades. When State government creates additional barriers to investment here, that only accelerates the dis-investment spiral.

We look forward to seeing the results of your work on these code trigger issues and are very supportive of getting this long-standing problem resolved as quickly as possible.

Sincerely,

Cc: The Honorable Charlie Baker, Governor
The Honorable Karyn Polito, Lieutenant Governor
The Honorable Benjamin Downing, State Senator
The Honorable Gailann Cariddi, State Representative, 1st Berkshire

The Honorable Paul Mark, State Representative, 2nd Berkshire
The Honorable Tricia Farley-Bouvier, State Representative, 3rd Berkshire
The Honorable Smitty Pignatelli, State Representative, 4th Berkshire
Mr. Geoffrey Beckwith, Massachusetts Municipal Association
Mr. Paul McMorrow, Executive Office of Housing and Economic Development
Mr. Don Fitzgerald, Building Officials of Western Massachusetts
Mr. Jim Leitch, Westall Architects

Broadband – Draft for State Policy Setters
9/12/2016

The Honorable Charlie Baker

RE: Need for Continuing Broadband Improvements Statewide

Dear Governor Baker:

The Berkshire Regional Planning Commission (BRPC) applauds your efforts to finally get significant improvements in broadband in the 44 towns across western and north-central Massachusetts who currently do not have any broadband service. We believe that the approach underway to achieve some significant level of broadband service in these towns, based on a town-by-town approach and partnership, is finally breaking the gridlock that had plagued this effort for the past couple of years.

As a region that has struggled economically for forty-five years, and is increasingly reliant on entrepreneurs and sole-proprietors, who are often home-based and can be located anywhere, having full, future proof broadband available across the region is critical to our economic rebuilding and sustainability. BRPC has been heavily involved in the efforts to improve broadband affordability and availability in this region since 1996 and has gained a considerable amount of knowledge about what is needed and what is working and not working in this region. Based on that knowledge, we have some concerns about where our communities, residents and businesses will be after the current effort to get the 44 un-served towns hooked up is concluded. These are:

- 1) For most of the region's population, residing in the more populated towns and cities running from Sheffield through the core of the County to North Adams and Williamstown, "broadband" will be provided only through cable providers (Charter/Time-Warner in our case). While Charter's upgrade of the antiquated TV only systems in 3 towns is welcomed as a vast improvement over the Verizon DSL only system currently providing broadband, it is still an inadequate system for the future. Further, that leaves the two cities (Pittsfield and North Adams) and 10 towns in the same situation, even after Charter upgrades the Time Warner system they have acquired which they are legally required to accomplish by November 18, 2018. Charter's broadband service will be available at speeds of 60 Mgb download and 4 Mgb upload up to 100 Mgb down and 5 Mgb up which meet the current FCC definition of "broadband". Unfortunately, for many users, having significantly slower upload speeds does not allow them to work remotely in high use applications. The FCC had a vigorous debate during its recent rule-making about what was really "broadband." They ended up with a new standard of up to a minimum of 25 Mbps download and 3 Mbps upload speeds but a strong argument was made that true broadband starts at 100 Mbps bi-directional. If your administration wants Massachusetts communities to be truly competitive in a digital world, 100 Mbps symmetrical

speed is the starting point. Across the country and world, communities are striving to be Gigabit communities and that is where we believe the Commonwealth should be headed.

Unfortunately, we do not see any evidence that this direction has been set or is even being contemplated. Without a world-class level of telecommunications, the entire Massachusetts economy will fall behind its competition.

- 2) For far too long, telecommunications have been provided through a monopoly (Verizon) and the cable TV companies have been able to break that but now are becoming a new monopoly, unregulated at the state level, for broadband service. There is no evidence that they will be willing to invest in significant upgrades past their current hybrid fiber coax systems and we will end up in the same position as we have been with the Verizon legacy copper DSL system. The U.S. Supreme Court has ruled that provision of broadband is a utility and it should be regulated as such by the FCC. Any existing laws which limit or prohibit the Department of Telecommunications and Cable (DTC) from regulating cable broadband in the same fashion as basic telephone service has been regulated for decades should be eliminated and new requirements for DTC to regulate rates and levels of service, with the Attorney General authorized to intercede on consumers' behalf, should be put into place.
- 3) With the one by one successes of the current effort to get broadband into the unserved communities, depending on the choices made by the communities regarding whether to go with a fiber build solution or with wireless solutions, or some combination of those, we are beginning to see an ironic outcome that some very rural communities (Leverett, Mount Washington and Alford are current examples) will have the best broadband connectivity, which can be truly future-proof, while the economic hearts of the region, such as Pittsfield, North Adams, and Great Barrington, will be left behind. This will happen all across western Massachusetts as the unserved communities make their decisions in the coming months. We hope you are aware that this situation will make it harder for Gateway Cities and other former mill town communities to succeed and our entire regional economy will continue to decline. A robust effort to bring all communities up to a high broadband standard is needed.
- 4) For two decades, we have heard promises that technology in the form of wireless or satellite broadband will make the need for fiber totally unnecessary. We believe these promises to be totally without foundation and they generally seem to come out of the industry who are benefitting from the status quo – the Verizon's, Comcast's, and Charter/Time-Warner's of the world. Several wireless solutions were tried in the Berkshires for relatively small areas over the past several years and they have all failed even in those limited applications due to the abundance of hills, foliage and rocks. They may work in some applications but they do not work here and we see absolutely no evidence that technology is emerging which will overcome these deficiencies. Satellite broadband is a myth, despite an abundance of advertising by one provider, and does not meet even current FCC standards.
- 5) Promises that cellular broadband (5G networks) will meet our broadband needs fairly comprehensively are equally false, based on our experience with the current cellular coverage, even at a basic level, across most of western Massachusetts. You can travel for miles on numbered state highways in the Berkshires and not have any cell coverage. This is despite requirements that the cellular companies were to provide basically universal coverage over a decade ago. This is a basic public safety problem, much less for meeting the needs for robust broadband which can be used as a strategic economic development tool.

- 6) A key impediment to building fiber solutions in our communities has been the pole “make-ready” process and costs imposed by Verizon and the electric utilities. A significant portion of the costs of installing fiber lies in the financial costs and time delays created by the utilities. In Verizon’s case, we can presume that some of this is intentional in order to try to delay installation of a technology which will reduce their land-line customer base who have been captive to their antiquated and inadequate technology. Of course, they have been unwilling to make the investment needed to provide for customers’ needs over the past several decades so losing customers is a self-created problem. We believe there are multiple issues with the utilities’ ownership and management of the poles and they affect much more than just the ability to string new fiber. We believe that either through regulation or legislation, the following should be done:
- Prohibit the utilities for charging the cost of pole replacement in order to string fiber when the pole does not meet current standards already and should have been replaced by the utility regardless. They should be required to provide the legally required pole space on all poles and bear the cost of pole upgrades required to do that. Make-ready work is created by either an already deficient pole or by one of the utilities trespassing on pole space that is reserved for other users. The latter issue can be resolved by their crews using a yard stick when installing wires and equipment.
 - Require the utilities to perform pole make-ready work in a timely fashion, with a financial penalty for not doing so. That financial penalty should not be at the expense of the rate-payers. Absent a timely response, there should be a provision for other users to hire qualified contractors to make poles ready without having to rely on the utilities to provide this service at a cost and timeline which they establish.
 - Consider adopting an approach similar to that used for streetlights which allows the municipality to acquire the streetlights at their depreciated cost and taking on the provision of streetlights, rather than paying a rental fee to the electric utility. Poles could be dealt with in the same way. It is our understanding that Connecticut has such an approach. This would also lead to a solution for the double-pole issue which seems to be prevalent in eastern Massachusetts and will also reduce the costs of roadway construction projects which often get held up and incur significant additional costs simply due to utility delays and imposed costs to move poles that are located in street rights-of-way.
- 7) Both the current approach to letting each of the 44 towns determine its own future regarding broadband and the lack of a vision about how to ensure that all of the Commonwealth have robust broadband will lead to a situation of there being haves and have-nots. To the extent this is driven by a community’s financial strength will serve to dramatically increase the digital divide. In the Berkshires, our three largest communities, all of whom have significant lower income populations and are amongst the lowest 5% of the Commonwealth’s communities in income, are fast approaching their absolute levy ceilings where they will not be able to spend or borrow any more (all expected to hit that ceiling by FY 2019) and a number of towns, primarily in lower income communities in northern Berkshire, are only a handful of years away from that. The Commonwealth will need to establish a mechanism to overcome this environmental justice barrier or these communities’ economic and population declines will only accelerate as they become increasingly left behind.

- 8) We strongly support the Administration's efforts to develop new financing mechanisms to allow communities to borrow for telecommunications infrastructure which they own. The Municipal Light Plant model allows this already but may be unattractive or not useful in some communities. We also strongly support efforts to encourage collaborative approaches to operating and maintaining the municipally owned systems. As you are well aware, many communities have almost no staff and this is a relatively new and seemingly complex area for them to be launched into. This issue covers all solutions where the community owns the telecommunications asset (fiber or wireless).

Again, we appreciate your Administration's attention to the problem of broadband access. Getting some level of solution in the un-served communities is long past-due. However, we think it is critical that you be forward thinking about the need for true broadband capable of 100 Mgb or greater speeds up and down across the Commonwealth. This is no different than rural electrification was in the 1930's and true broadband should now be considered essential in order to develop economically and to provide education, health and public safety across the Commonwealth. We know there are concerns about affordability for our municipalities and for the Commonwealth. However, this investment is one that has to be made, on a grand scale, or we are at significant risk of having a telecommunications system which is second-rate to some that are already provided in third world countries. In that situation, our economy and our population will both suffer; however, if we make this an opportunity by aggressively building out fiber solutions across the Commonwealth, we will be able to use this as a strategic economic development advantage.

Sincerely,

Cc: Mr. Peter Larkin, Chair, Massachusetts Broadband Institute
Mr. Frederick Keator, Massachusetts Broadband Institute Board, Lenox
The Honorable Karyn Polito, Lieutenant Governor
The Honorable Maura Healey, Attorney General
The Honorable Benjamin Downing, State Senator, Co-Chair Joint Committee on
Telecommunications, Utilities and Energy
The Honorable Gailann Cariddi, State Representative, 1st Berkshire
The Honorable Paul Mark, State Representative, 2nd Berkshire
The Honorable Tricia Farley-Bouvier, State Representative, 3rd Berkshire
The Honorable Smitty Pignatelli, State Representative, 4th Berkshire
The Honorable Thomas A. Golden, Jr. State Representative, Co-Chair Joint Committee on
Telecommunications, Utilities and Energy
Mr. Geoffrey Beckwith, Executive Director, Massachusetts Municipal Association
Mr. Timothy Brennan, President, Massachusetts Association of Regional Planning Agencies
Mr. Jonathan Butler, President & CEO, 1Berkshire
Ms. Sandra J. Carroll, Chief Executive Officer, Berkshire Board of Realtors

DRAFT 9-15-2016

September 22, 2016

U.S. Senator Elizabeth Warren
1550 Main Street, Suite 406
Springfield, MA 01103

U.S. Senator Edward Markey
1550 Main Street, 4th Floor
Springfield, MA 01101

U.S. Congressman Richard Neal
First District, Massachusetts
300 State Street, Suite 200
Springfield, MA 01105

Re: FERC Regulatory Process for Gas Pipelines

Dear Federal Legislators:

We are writing to express our grave concerns regarding the FERC process for permitting gas pipelines based on our recent experience with the now withdrawn KM-TGP NED gas pipeline project that was proposed to be located in seven communities and the still active Connecticut Expansion Project by KM-TGP in the Town of Sandisfield in Berkshire County. The FERC process was unfair and unresponsive to community and regional concerns related to environmental impacts and public health and safety. In addition, our communities and Rensselaer County, New York, and its three impacted towns spent over \$82,000 on legal services and staff time, not counting the countless unpaid local official hours, to participate in the FERC process and to assist our communities for a pipeline project that should not have proceeded to the "Application" stage given insufficient demand for the NED pipeline capacity. This was a significant financial hardship for the BRPC and Rensselaer County as well as our rural communities.

We have a number of suggestions to improve the FERC process that we hope you and other Federal Legislators will consider implementing by amendments to the Natural Gas Act or other Congressional actions. We have also included a recommendation to strengthen USDOT Safety Regulations. Below is our list of recommendations.

1. Require FERC to take into account State Energy & Climate Change Action Plans as well as U.S. Energy & Climate Change Policies when considering whether to approve infrastructure that will increase fossil fuel use such as natural gas.
2. Require FERC to establish the potential need for the proposed project prior to commencing the environmental review process rather than having both occurring simultaneously.
3. In addition to the current process of assessing an individual pipeline, require FERC to consider the capacity of all existing or proposed competing gas pipelines that will serve the

same or overlapping markets when determining public need and require FERC to prioritize pre-existing gas pipeline routes rather than "greenfield" projects when considering alternatives.

4. Change the FERC process to require that Applicants and FERC conduct more rigorous climate change and "alternative analyses" to building pipeline infrastructure that includes energy efficiency and renewable energy sources and which considers existing gas pipelines and/or storage facilities that are underutilized.
5. Prohibit FERC from granting eminent domain authority for gas pipelines that will export any gas to foreign countries - pipeline capacity should be fully committed for domestic purposes under "arm's length" contracts.
6. Prohibit FERC from granting the Certificate of Public Convenience & Necessity and eminent domain authority until all required Federal & State permits have been approved for the project.
7. Prohibit FERC from overriding any provision of a State's Constitution such as granting eminent domain authority to take permanently protected open space, particularly open space protected with Federal or State funding provided by taxpayers.
8. Require that a public Health Impact Assessment be conducted for gas pipelines and associated facilities (e.g. compressor stations, metering & venting stations) as part of the FERC Application process for a gas pipeline.
9. Require that the Environmental Impact Statement needed for the proposed pipeline be prepared by an independent agency such as the U.S. Environmental Protection Agency (EPA).
10. Overhaul the FERC public participation process to require that: Applicants notify municipalities about the proposed pipeline and subsequent route changes before landowners are contacted; Applicants provide clear, factual, detailed and timely information on the pipeline route and associated impacts; Applicants provide clear mapping of the proposed pipeline route at an appropriate scale for each community; and that adequate timelines are established for public comment (at least 45 days or more) after submission of information by Applicant.
11. Mandate that FERC provide Technical Assistance Grants (TAG) grants, perhaps funded through an impact fee paid by the Applicant, to regional planning agencies, towns and cities for staffing and consultants that can conduct a peer review of the information provided by the Applicant, comparable to the Brownfield TAG grants offered by the EPA.
12. Revise USDOT pipeline safety regulations that define pipeline class locations and safety requirements to require the same standards for both rural and urban areas.
13. Increase oversight of the FERC by making them accountable to an appropriate body, perhaps by changing how FERC is funded, and require FERC to update their regulations to address climate change and the need to reduce our reliance on fossil fuels.

We would be pleased to discuss our recommendations for improving the FERC process and USDOT safety standards in more detail. We also understand that a Bill has been introduced into Congress to amend Section 319 of the Federal Power Act to establish and fund an Office of Public Participation and Consumer Advocacy to support public participation in the siting and permitting of natural gas storage and infrastructure. We would like to go on record as supporting the passage of this Bill.

Please contact Nathaniel Karns (nkarns@berkshireplanning.org), Executive Director or Thomas Matuszko (tmatuszko@berkshireplanning.org), Assistant Director, if you have any questions or would like to further discuss our suggestions to improve the FERC process and USDOT safety regulation for gas pipelines.

Sincerely,

Kyle Hanlon, Chair
Berkshire Regional Planning Commission

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

KYLE HANLON, Chair
SHEILA IRVIN, Vice-Chair
MARIE RAFTERY, Clerk
CHARLES P. OGDEN, Treasurer

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

MEMORANDUM

TO: Delegates and Alternates, Berkshire Regional Planning Commission
FROM: Nathaniel W. Karns, AICP, Executive Director
DATE: September 7, 2016
SUBJ: Approval of Executive Committee Actions

In accordance with the bylaws, all actions taken by the Executive Committee on the Commission's behalf must be endorsed at the next Commission meeting.

The Executive Committee took the following actions at its September 1, 2016 meeting:

- **Approved the Environmental Review Committee on behalf of the Commission to comment on the Solar Photovoltaic System in Hinsdale**

Approval was requested to comment on the proposed solar array to be located on a portion of a gravel pit property in Hinsdale. The property is within the Hinsdale Flats Area of Critical Environmental Concern, which is the only reason it is going through MEPA. A copy of the letter is attached.

- **Approved the Executive Director to submit a grant application to the National Aging and Disability Transportation Center (NADTC) on behalf of the Commission.**

Approval was requested to authorize the Executive Director to submit a grant application to Innovations in Accessible Mobility from the National Aging and Disability Transportation Center (NADTC). The grant would provide a single source for individuals in towns without council on aging van service to call for service to medical appointments from surrounding towns with council on aging van service. The single point contact will be Elder Services of the Berkshires, Inc. There is no match requirement.

- **Approved the Executive Director to sign a four-year contract with MassDOT for Transportation Planning on behalf of the Commission.**

Approval was requested to authorize the Executive Director to sign the new four-year contract with MassDOT to provide transportation planning services for the Berkshires. The contract is for \$2,108,134 over four years, commencing October 1, 2016. There is no match requirement.

- **Approved the Executive Director to submit a grant application to the Berkshire Taconic Foundation HousingUs Community Outreach and Engagement Program on behalf of the commission.**

Approval was requested to authorize the Executive Director to submit a grant application to the Berkshire Taconic Foundation HousingUs Community Outreach and Engagement Program. Berkshire Regional Planning Commission will be the lead applicant, in partnership with the Towns of Great Barrington and Lenox, the CDC of Southern Berkshire, Construct, Inc. and Age Friendly

Berkshires, and in collaboration with the Massachusetts Housing Partnership (MHP). The focus of the \$10,000 grant will be to plan, organize and present a day long 'mini-Housing Institute' in Berkshire County to grow capacity in municipalities to develop affordable housing, by providing information and technical instruction in such topics as Housing Production Plans, inclusive zoning, age friendly design, site selection, and financial pro forma. Applicants are required to provide 20% match in cash, services or in-kind staff. The \$2,500 match will consist of in-kind staff from the various partners.

- **Approved the Modified Pay Plan, effective September 1, 2016 to change an Associate Planner Position from salaried to hourly and effective December 1, 2016, two Planner's salaries will be increased to the minimum pay level of \$47,476**

To be compliant to various labor standards approval was requested to change our employee classification for the Associate Planner position which should be treated as hourly instead of salaried. The key distinction in this case is that the Associate Planner is expected to receive direct supervision regarding their work on a very regular (daily, in this case) basis and we do not expect that Planners or Senior Planners to receive that level of supervision and their work is much more self-directed. The Associate Planner will work a normal 35-hour week, with the total compensation to be expected annually to remain at its current level. If the Associate Planner works more than 35 hours in a week, they would have to be paid for those additional hours and if they worked more than 40 hours in a week, they would earn time and a half. We will manage time to ensure we do not run into paying overtime.

Effective December 1, 2016, we have two Planners who would either need to be paid on an hourly basis or we need to increase their pay level to the new minimum of \$47,476 per the Department of Labor. Our current entry level salary for a Planner is \$45,887. We will not increase the maximum salary amount for Planners, which is \$59,555. We requested approval an increase to the entry level pay for a Planner from \$45,887 to \$47,476, effective December 1st. Also, two Planners fall below the \$47,476 amount and we requested approval that the two Planners receive a pay increase on December 1st instead of changing them to hourly.

- **Approved the Executive Director to Submit a Grant Application for GIS Consulting Services to the Columbia Land Conservancy on behalf of the Commission**

Approval was requested to authorize the Executive Director to submit a grant application to the Columbia Land Conservancy for GIS Consulting Services. The focus of the \$14,875 grant is to assist the Berkshire-Taconic Regional Conservation Partnership in collecting and analyzing GIS for the four-state region of Connecticut, Massachusetts, New York and Vermont in their collaborative's conservation planning. There is no match requirement.

Attachment: Comment Letter to MEPA on Solar Photovoltaic System Project (Hinsdale)

BERKSHIRE REGIONAL PLANNING COMMISSION
1 FENN STREET, SUITE 201, PITTSFIELD, MASSACHUSETTS 01201

TELEPHONE (413) 442-1521 · FAX (413) 442-1523

Massachusetts Relay Service: TTY: 771 or 1-800-439-2370

www.berkshireplanning.org

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MARIE RAFTERY, Clerk
CHARLES P. OGDEN, Treasurer

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

September 1, 2016

Matthew Beaton, Secretary
Executive Office of Energy and Environmental Affairs
Attn: Purvi Patel, Environmental Analyst
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: Solar Photovoltaic System Project EEA# 15551 (Hinsdale)

Dear Secretary Beaton:

The Berkshire Regional Planning Commission (BRPC) hereby submits comments on the proposed Hinsdale Solar PV Project (EEA #15551). The project includes the installation of a 2.6 MW solar PV array on approximately 11 acres of land in the town of Hinsdale. The project is in the MEPA review process because it is located within the Hinsdale Flats Area of Critical Environmental Concern (ACEC) and requires a MassDOT access permit for work on Route 8. The project has already received a wetlands permit from the Hinsdale Conservation Commission and has not received a Superseding Order from the Mass. Department of Environmental Protection. The project will require a federal NPDES Stormwater Management permit to control runoff during construction. No public funding is involved so MEPA jurisdiction is narrow.

The solar PV array will be located on a parcel of land that currently includes an active gravel mining operation on the northern portion of the lot and a large open meadow on the southern portion. A looped gravel road runs through the middle of the site to provide access to the approximately 50 trucks a day that haul gravel from the site. The solar array will be located on the southern portion of the site that is no longer being mined for gravel, which is currently vegetated with tall meadow plants such as various grass and golden rod species. The gravel road will be relocated to allow siting of the solar array while still allowing trucks to access the gravel mine, which will continue to operate. The solar panels will be located on steel posts, which will be set six feet into the ground. The area will be seeded and mowed as needed to maintain meadow cover.

Approximately 27,000 square feet of the project will be located within wetland buffer zone, approximately half of which involves relocation of a portion of the access road and half of which involves siting of panels. Alternatives for reconfiguring the array to avoid buffer zone impacts were not presented. The project has been designed to avoid a wetland area that has been naturally re-establishing on the southeast corner of the property since gravel operations have ceased in that area.

A limited area of one-half acre of mature trees will be removed on the eastern border of the site to maximize sunlight to the array.

The project is consistent with Sustainable Berkshires Long-Range Plan for Berkshire County in that it repurposes a former industrial site for the generation of renewable energy while requiring little removal of mature tree cover. It should be noted however that the project is located within the Hinsdale Flats ACEC, a locally-generated and state-approved designation. According to the ACEC program, the ACEC's most valuable single resource is the Hinsdale Flats floodplain and associated wetlands, which contain a minimum of nine inland freshwater classes that harbor an outstanding and diverse collection plant and wildlife species. The Hinsdale Flats wetlands, which harbor many rare species, are the result of a complex interrelationship between surface water, groundwater, wetlands and floodplain. This wetland complex is down gradient of the proposed project.

Due to the project's location within the ACEC, it is important that construction practices are managed in a way that does not negatively impact surface and groundwater quality nor introduces invasive plant species to the site. As noted at the site visit, soils in this area are extremely permeable and thus it will be important that construction operating procedures are in place to avoid soil and/or groundwater contamination due to equipment spills, including fuel, motor oils, antifreeze and hydraulic fluids, particularly near wetland areas. It will also be important to minimize movement of invasive species that may be present on the site during regrading and construction activities. If invasive species are already present on the property, this may be a timely opportunity to initiate eradication or control actions to reduce the spread of these populations further into the unique ecosystem that surrounds the site.

BRPC appreciates the opportunity to comment on the Hinsdale Solar PV Project. If you have any questions regarding these comments, please contact Senior Planner Lauren Gaherty at lgaherty@berkshireplanning.org. These comments were approved by the Chairman of the BRPC Environmental Review Committee on August 29, 2016 and were approved by the BRPC Executive Committee at its meeting on September 1, 2016.

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

MEMORANDUM

TO: Delegates and Alternates
FROM: Nathaniel W. Karns, AICP, Executive Director
DATE: September 15, 2016
SUBJ: Executive Director's Report

There are a number of items to bring to your attention.

- A. Public Meetings for More Efficient BRTA Bus Service – Thursday, September 22nd and Friday, September 23rd

A notice of 3 public meetings to discuss changes in BRTA bus routes 1, 31, 33, 12, 14, and 7 is attached. Meetings will be held on September 22nd and 23rd at the Great Barrington Fire Station, the Pittsfield Intermodal Transportation Center, and at the First Baptist Church in North Adams.

- B. Attorney General's Municipal Law Unit Training on the By-law Adoption, Submission, and Review Process – Tuesday, October 18th, Blandford Town Hall

An email announcing a free educational course on the procedure for submitting bylaws to the AG's office of review and the process for amending zoning bylaws is attached. The workshop will be at the Blandford Town Hall on Tuesday, October 18th from 10 a.m. to 12:30 p.m. Make reservations no later than Friday, October 14th by emailing Margaret.hurley@state.ma.us or by phone at 508-792-7600.

- C. Status of District Local Technical Assistance Program for 2017

We are very pleased that the legislature overrode the Governor's veto of the stable \$2.8 million in funding for this critical local planning assistance funding. However, given the State's revenue short-fall through August, we continue to be very concerned regarding whether the funds will actually be released. We encourage our localities who either expect to seek assistance under the DLTA program in the coming year or those who have benefitted from it in the past to contact the Lieutenant Governor and indicate its importance to your community. Copy the Governor and the Secretary of Administration & Finance, Kristen Lepore, on any communication (letter or email) you send. This is particularly important if it is supporting commitments made in your Community Compact.

- D. Opening of Fiscal Year 2017 Community Compact Programs Announcement

Attached is the announcement of three Community Compact Municipal Grant programs which was received yesterday. There are three separate programs, at least one of which is new from last year:

- Best Practices Program – Year 2: this is a continuation of last year's Community Compacts in which communities could submit a compact application for up to 3 best practices they wished to work on, with Commonwealth assistance, in the coming year. At least a third of Berkshire municipalities have not applied to enter into Community Compacts and more than half, even if they

did enter into 1st round Compacts, did so for less than the maximum 3 topics. We encourage every municipality to consider the variety of areas that fit within this program and join it or add other best practices. If the areas you want to move forward also fit within the DLTA program, the two can be used together. In 2016 BRPC has been assisting with master and open space plans, zoning updates that facilitate housing or economic development, the Berkshire County Education Task Force (collaboration/regionalization), and various other efforts using our DLTA funds but which are Community Compact commitments. Applications will be accepted on a rolling basis.

- Efficiency and Regionalization Grant Program: this competitive grant program will provide financial support for implementation of regionalization and other efficiency initiatives. They will provide funds for one-time or transition costs. There will be two competitive grant rounds this year, with deadlines of November 15, 2016, and February 1, 2017. There are bonus points for being in the Community Compact program and if the implementation activity is a “best practice.”
- IT Grant Program – Year 2: this is aimed at communities which signed up for an IT best practice under the Community Compact program. It is a competitive grant program which will fund the implantation of innovative IT projects by funding one-time costs. The application will not be open for submittal until March 1st so you have time to develop good applications.

E. Berkshire Public Health Alliance Flu Vaccination Clinics

Attached is the schedule for flu vaccination clinics for the fall by the Berkshire Public Health Alliance.

F. BRPC Annual Dinner – Thursday, October 20th, 5:30 p.m., Pittsfield Country Club

Invitations should go out next week for BRPC’s 50th Annual Dinner. We will be wrapping up our 50th Anniversary events. Senator Ben Downing will be honored for his decade of service to the Berkshires and the Commonwealth.

Attachments: (4)

**Public Meeting for More Efficient BRTA
Bus Service**

Changes in BRTA bus routes

1, 31, 33, 12, 14, and 7

Please join us

Thursday, September 22nd

10 AM-12 PM

Great Barrington Fire Station

meeting room

1:30 PM-3:30 PM

BRTA ITC 2nd floor board room

Friday, September 23rd

10 AM-12 PM

First Baptist Church of North Adams

meeting room

From: massplanners-bounces@cs.umb.edu on behalf of [Gunagan, Kelli \(AGO\)](#)
To: massplanners@cs.umb.edu
Subject: Re: [Massplanners] Attorney General's Municipal Law Unit Training on the By-law Adoption, Submission, and Review Process RSVP Today!
Date: Wednesday, September 14, 2016 2:11:49 PM
Attachments: [ATT00001.txt](#)

Good Afternoon -

The Attorney General's Municipal Law Unit invites you and your planning board members and staff to attend a free educational course on the procedure for submitting town by-laws to the Attorney General for review and the process for amending zoning by-laws pursuant to G.L. c. 40A, § 5. This in-depth course will train local officials on the by-law adoption, review, and submission process. Submittal forms and other additional information will be distributed to everyone that attends the course. The course will include a question and answer period.

DATE AND LOCATION:

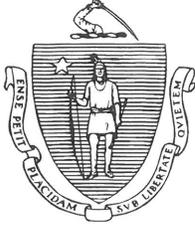
Tuesday, October 18, 2016 from 10:00 a.m. to 12:30 p.m.

The training will take place at:

Blandford Town Hall
1 Russell Stage Road
Blandford, MA 01008

RSVP:

By Friday, October 14, 2016 by (1) email to: margaret.hurley@state.ma.us or (2) calling the Municipal Law Unit at 508-792-7600.



OFFICE OF THE GOVERNOR
Commonwealth of Massachusetts

STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

September 14, 2016

Dear School Superintendent, RPA Executive Director, Council of Government Executive Director:

The Baker-Polito Administration is pleased to announce that Year 2 of the Community Compact Cabinet (CCC) program is set to begin on September 15. This year, in addition to the Best Practice program and IT Grant program, we are fortunate to have available \$2M for a new Efficiency and Regionalization program that is open to all municipalities, regional school districts, school districts considering forming a regional school district or regionalizing services, regional planning agencies, and councils of governments. Information on all three of these CCC programs is provided below.

Fostering a strong partnership with our municipalities continues to be a top priority for the Baker-Polito Administration, and the Community Compact Cabinet is a prime example of how the state remains responsive to the needs of municipalities.

The first year of the program was incredibly successful, with more than two-thirds of the cities and towns signing up for the Best Practice program and more than half of eligible municipalities applying for the IT Grant program.

Fiscal Year 17 CCC Municipal Grant Programs

Best Practices Program – Year 2

Beginning September 15, applications for Year 2 of the CCC Best Practice program can be submitted by those municipalities *who did not apply in FY16* at www.mass.gov/ccc. Applications are accepted on a rolling basis and will be reviewed within one month of submission. Eligible applicants can choose up to three best practices and enter into a FY17 Compact. The Compact spells out the commitments of the state and gives the municipal leader the flexibility to choose a best practice (or practices) that make the most sense for your community.

For Year 2, a revamped and enhanced set of best practices have been developed and are available on the Community Compact Cabinet website (www.mass.gov/CCC). The website also includes a helpful Question and Answer section.

Efficiency and Regionalization Grant Program – NEW!

The purpose of the new Efficiency and Regionalization *competitive* grant program is to provide financial support for governmental entities interested in implementing regionalization and other efficiency initiatives that allow for long-term sustainability. These grants will provide funds for one-time or transition costs for municipalities, regional school districts, school districts considering forming a regional school district or regionalizing services, regional planning agencies and councils of governments interested in such projects.

There will be two competitive application rounds for this new grant program:

- On October 15, first-round applications for this new competitive grant program will be accepted. All applications must be received by November 15.
- On January 1, 2017 a second round will open and close on February 1, 2017. Any new applicant or any eligible entity that was not awarded a grant in Round 1 can apply for a grant in Round 2.

Bonus points will be awarded to any municipality that has chosen to participate in the CCC Best Practice program. Additional bonus points will be awarded if the subject matter of the application falls within any of the FY17 Best Practices, all of which can be located at www.mass.gov/CCC. Lastly, if the application is associated with a municipality's FY16 chosen best practice, bonus points will be awarded.

For any application that involves multiple communities, all involved must have signed up for the CCC Best Practice program in order to qualify for the bonus points. In the case of a regional school district, all member municipalities must have entered into a Compact in order to qualify for the bonus points. For an application submitted by a regional planning agency or council of government, all municipalities associated with the application must have entered into a Compact in order to qualify for the bonus points.

You may access the application page, however to begin the application you will need a password. The password for your community is ~~133k02pm~~. Applications cannot be saved once they are started and should be completed all at once.

IT Grant Program – Year 2

On March 1, 2017 the application for the Community Compact IT Grant Program will open. Municipalities that applied for a Community Compact under the CCC Best Practice program on or before February 15, 2017 will be eligible. *However, cities and towns that were awarded an IT Grant Program grant in FY16 will not be eligible in FY17.*

This is a *competitive* grant program focused on driving innovation and transformation at the local level via investments in technology. Using the transformative powers of IT, we can drive innovation, make government more efficient, save taxpayer money, and make it easier for residents to interact and transact with their local government.

Grants of up to \$200,000 will support the implementation of innovative IT projects by funding related one-time capital needs such as technology infrastructure, upgrades and/or purchases of equipment or software. Incidental or one-time costs related to the capital purchase such as planning, design, installation, implementation and initial training are eligible.

It is exciting to have these three programs available for our partners in local government. Together they offer you an opportunity to position your community for long-term success, including bonus points on various statewide grants if you enter into a Best Practice compact. As the Chair of the Community Compact Cabinet, I look forward to working with you in the coming weeks and months. If you have any questions, contact Sean Cronin, Senior Deputy Commissioner of Local Services, at croninse@dor.state.ma.us.

Sincerely,



Karyn E. Polito
Lieutenant Governor

The Berkshire Public Health Alliance presents:

FLU VACCINATION CLINICS

...at no out of pocket charge to you!

DATE	COMMUNITY	TIME	LOCATION	ADDRESS
Tuesday 9/27/16	Peru	5 – 6:30pm	Peru Town Hall- Community Center	3 East Main Road
Thursday 9/29/16	Housatonic	10am – 12pm	Housatonic Community Center (Housy Dome)	1064 Main Street North
Thursday 9/29/16	Great Barrington	1 -3pm	Claire Teague Senior Center	917 Main Street
Monday 10/3/16	Washington	5 – 7pm	Town Hall	8 Summit Hill Rd
Tuesday 10/4/16	Egremont	9-11:30 am	Egremont Town Hall	171 Egremont Plain Rd
Tuesday 10/4/16	Great Barrington	4 -6pm	Great Barrington Town Hall	334 Main Street
Thursday 10/6/16	North Adams	1:00- 2:30pm	City Hall Room 202	10 Main Street
Thursday 10/13/16	Clarksburg	12-2pm	Senior Center	714 W Cross Rd
Thursday 10/13/16	Clarksburg	3:15-5pm	Clarksburg Elementary School	777 W. Cross Rd
Monday 10/17/16	Dalton	2-4pm	Dalton Senior Center	40 Field Extension Street
Wednesday 10/19/16	North Adams	10- 11:30am	Mary Spitzer Senior Center	116 Ashland St
Wednesday 10/19/16	North Adams	12:30pm– 2:00pm	Friendship Food Pantry	43 Eagle St.
Monday 10/24/16	Dalton	3:30- 5:30pm	Craneville School	71 Park Avenue
Wednesday 10/26/16	Cheshire	1-3pm	Cheshire Community Center/Senior Center	119 School Street
Wednesday 10/26/16	Cheshire	4-6 pm	Cheshire Fire Department	29 South Street
Tuesday 11/1/16	North Adams	3:30– 5:30pm	Colegrove Park Elementary School Gymnasium	24 Church St.
Thursday 11/3/16	DATE HELD TBA	7:15- 9:30am	RESERVED	
TBA	Great Barrington		School Clinic run by Fairview Hosp.	

- **If you have insurance, please bring your insurance card(s) with you.**
- **Please wear short sleeves, or a shirt that has easily rolled-up sleeves.**

The Berkshire Public Health Alliance (Alliance) is a partnership formed through an inter-municipal agreement (IMA) among the 23 Berkshire municipalities of Adams, Alford, Becket, Cheshire, Clarksburg, Dalton, Egremont, Florida, Great Barrington, Hancock, Lanesborough, Mount Washington, New Marlborough, North Adams, Peru, Richmond, Sandisfield, Savoy, Sheffield, Washington, West Stockbridge, Williamstown, Windsor and Berkshire Regional Planning Commission (BRPC).

To learn more about the Berkshire Public Health Alliance, go to:

<http://berkshireplanning.org/major-initiatives/berkshire-public-health-alliance/>

▪Berkshire Public Health Alliance, 1 Fenn Street, Suite #201, Pittsfield, MA 01201▪(413) 447-1521 ext. 37