

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

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

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

**MEETING NOTICE**

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

Thursday, January 18, 2018 at 7:00 p.m. at the BRPC Office  
1 Fenn Street, Ste. 201  
Pittsfield, MA 01201

***Please Note:*** *In the case of inclement weather on the day of the meeting, please call BRPC (413-442-1521, ext 15) to confirm if the meeting will still be held.*

**Meeting Material:** All written materials for the meeting are posted on BRPC's website: [www.berkshireplanning.org](http://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 November 16, 2017 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. Delegates' Issues (7:10-7:15)**

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

**IV. 1Berkshire – the Berkshire's Designated Regional Economic Development Organization (7:15-7:45)**

*As a follow-up to the presentation on data about the rural areas across Massachusetts, and the resulting conversation at the September Commission meeting, Jonathan Butler, President and CEO of 1Berkshire, will make a presentation on 1Berkshire and what it is doing to address the need for economic development in the Berkshires.*

**V. Recreational Marijuana in the Berkshires Update (7:45-8:15)**

*Assistant Director Tom Matuszko will provide an update on the rapidly evolving roll-out of*

(over)

legalized recreational marijuana. He will provide information on how various Berkshire cities and towns are moving forward on this as well as the new draft regulations released by the Cannabis Control Commission for public comment just before the holidays. The draft regulations may be found at: <https://www.mass.gov/files/documents/2017/12/22/DraftRegulations122117>.

**VI. New Massachusetts Housing Choice Program (8:15-8:30)**

Governor Baker announced the new Housing Choice Program on December 11th. We will brief the Commission on the program and its supporting legislation. You may find more information at <https://www.mass.gov/housing-choice-initiative>.

**VII. Approval of Letter on Legislation Regarding Taxation of Solar & Wind Energy Projects (8:30-8:40)**

The Regional Issues Committee has been considering legislation regarding taxation of solar and wind energy projects. The Committee is meeting Wednesday, the day before the Commission meeting, and proposed comments will be presented at the Commission meeting to be sent to the legislature.

**VIII. Approval of Community Assessments for FY 2019 (8:40-8:45)**

The Finance Committee has proposed a 2.5% increase in community assessments for FY 2019. By law, the municipalities must be notified of their assessments no later than February each year so that they may be included in city/town budgets.

**IX. Approval of Executive Committee Actions between November 16, 2017 and January 18, 2018 (8:45-8:50)**

There were no Executive Committee meetings in December or January, therefore no action is needed.

**X. Status of Executive Director Search Committee Efforts (8:50-8:55)**

Chair Kyle Hanlon will brief the Commission on the status of the Search Committee's work on replacing the Executive Director.

**XI. Executive Director's Report (8:55-9:00)**

- A. Final Audit for FY 2017
- B. Promotion of Allison Egan to Senior Planner
- C. Status of District Local Technical Assistance Program & 2018 Project Selection

**XII. Adjournment (9:00)**

Other interested citizens and officials are invited to attend.

All times listed are estimates of when specific agenda items may be discussed.

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 BERKSHIRE REGIONAL PLANNING COMMISSION MEETING**

**Thursday November 16, 2017  
At BRPC Office**

**I. Call to Order**

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

Chair Kyle Hanlon 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:

Robert Ronzio – Becket Delegate  
Peter Traub – Cheshire Delegate  
Gregory Cherin – Egremont Delegate  
Buck Donovan – Lee Delegate  
Pam Kueber – Lenox Delegate  
Pat Salomon – Monterey Delegate  
James Mullen – New Marlborough Delegate  
Kyle Hanlon – North Adams Delegate  
Sheila Irvin – Pittsfield Delegate  
CJ Hoss – Pittsfield Alternate  
Roger Kohler – Sandisfield Alternate  
Rene Wood – Sheffield Alternate  
Carole Owens – Stockbridge Alternate  
Mark Curtin - Tyringham Delegate  
Sarah Hudson – Tyringham Alternate  
Dana Bixby – West Stockbridge Delegate  
John Garcia – Windsor Delegate

Staff Present:

Nathaniel Karns – Executive Director  
Marianne Sniezek – Office Manager  
Clete Kus – Transportation Program Manager

Others Present:

Kate Fletcher – Stockbridge  
Peter Taylor – President, Berkshire Taconic Community Foundation  
Jim McGrath – Pittsfield's Park, Open Space and Natural Resources Program Manager

**C. Approval of Minutes September 28, 2017 Meeting**

Carole Owens moved to approve; Pam Kueber seconded by. Unanimously approved with 5 abstentions.

**II. Comments from the Public – None**

**III. Delegate & Alternate Issues** - Pam Kueber reported the town of Lenox has had two Community forums on Short-Term Rentals. The information will be on Lenox's website.

Kyle asked if any Delegates or Alternates have any topics for educational trainings please contact Nat or Kyle.

**IV. Draft Massachusetts Freight Plan – Consideration of Comments**

2017 Draft Massachusetts Freight Plan is now available for comment until December 6<sup>th</sup>. The Massachusetts Department of Transportation's (MassDOT's) Freight Plan is a strategic planning document that will define a short and long-term vision for the freight system in Massachusetts. The Plan is multi-modal; including air, rail, truck and maritime transport. It also includes intermodal; transportation by more than one mode, such as trips using truck and rail. Transportation Program Manager Clete Kus presented an overview of the plan and how it applies to Berkshire County.

To review the draft plan go to:

<http://www.massdot.state.ma.us/planning/Main/StatewidePlans/FreightPlan>

Clete explained the Massachusetts Freight System will:

- Be safe, secure, and resilient.
- Improve the condition of key freight assets
- Improve the economic competitiveness of Massachusetts
- Support healthy and sustainable communities
- Provide efficient mobility

The plan map shows the bottlenecks, the major Urban and Rural Freight corridors and other major roads. The comment letter addresses the importance of rural freight corridors to manufacturing and commercial businesses.

Clete explained the implementation of strategies for improving the condition of freight networks, building or expanding truck stops, upgrading rail lines to a 286K standard and resolving bottlenecks on highways. Other strategies are to address the shortage of truck driver professionals, the reduction of CO2 emissions, work with neighboring states to standardize overweight and oversized vehicle regulations and to coordinate freight planning in neighboring states.

The plan also indicates who the proponents are, what the funding sources are, the Project Selection Advisory Committee's (PSAC) criteria and who would be responsible for the management of the work.

Clete responded to a question on funding and stated MassDOT would encourage funding from private railroad companies.

Take Aways

- Improve the safety, security, efficiency, and resiliency of multimodal freight transportation;
- Achieve and maintain a state-of-good-repair on the Network;
- Improve the economic efficiency and productivity of the Network;
- Improve the reliability of freight transportation;
- Improve the flexibility of States to support multi-State corridor planning and the creation of multi-State permitting; and
- Reduce the adverse environmental impacts of freight movements on the Network

Comment Letter Recommendations

- Improving conditions of freight network (infrastructure)
- Additional funding to improve infrastructure (roads and bridges)
- Priority funding available for local projects. Ex: Rte 20 in Lee is managed by Lee using Chapter 90 funds. Lee would get a competitive boost for other funds available for road projects that benefit the National Freight System.
- Upgrading rail lines to 286K standard
- Electrify truck stops to assist with GHG emission reduction

Kyle asked for a motion to endorse the BRPC's comment letter.

Jamie Mullen made a motion to endorse the Massachusetts Freight Plan comment letter as presented; seconded by Pat Salomon. Unanimously approved.

## **V. A Closer Look – Berkshire Taconic Community Foundation’s Study of Pressing Needs in Its Four-County Region**

Peter Taylor, President of the Berkshire Taconic Community Foundation, presented BTCF’s report: “A Closer Look.” In preparing this report, BTCF wanted to gather a set of data and have a series of deliberate discussions to hear directly from a diverse range of residents. They wanted to know from their perspectives what is most important for improving lives, what challenges they face and what is keeping them in — or causing them to consider leaving — this extraordinary region. Working with a research partner, BTCF held a dozen focus groups, launched four online surveys and reviewed existing data and reports. “A Closer Look” results from that process.

*To review the report, go to:*

<http://www.berkshiretaconic.org/bLearnAboutBTCF/OurInitiatives/ReportACloserLook>

Peter reviewed the region’s assets, strengths, jobs, the economy, demographic transitions, youth and the future workforce, the deepening inequality, infrastructure and looking ahead.

### Interesting Facts

- More than 1/3 of residents who would consider moving cited the lack of available jobs.
- 60% of resident’s report challenges accessing job opportunities for themselves or a family member.
- 44% of residents under age 46 answered “yes” or ‘maybe” when asked if they are considering moving in the next 3 years.
- 23% cited limited options for their reason to consider moving.
- 60% of residents reported that addressing workforce skills needs is extremely important.
- More than 1/3 of people without a college degree reported difficulty accessing job opportunities for themselves or a family member.

Jamie commented there is a new class for the census for people who are doing okay but one devastation could change and put them into poverty. Wages have not increased to allow for money to be saved for an emergency.

Peter talked about the Cliff effect. People who are on benefits then make more money and then end up losing benefits. The benefits lost are more than the additional income. The Cliff effect is it is not worth making more money and holds people back from improving their lives.

Peter announced access to the data is on Berkshire Taconic's website.

Kyle thanked Peter for his presentation.

## **VI. Current Regional Topic - Pittsfield’s Polystyrene Ban**

Jim McGrath, Pittsfield’s Park, Open Space and Natural Resource Program Manager, presented an overview of Pittsfield’s polystyrene ban, the challenges the city faced and the strategies used to get it adopted, as well as the issues that have arisen since it was passed.

Jim discussed Pittsfield’s experience with their polystyrene ban for prepared food. Pittsfield is not the only city or town to have a ban. The Pittsfield ban started with a citizen petition. The Green Commission had many meetings and public hearings. The City Council adopted the ban in the Fall of 2015 and the ban went into effect 6 months later.

### Two Forms for Polystyrenes

1. Foam cups, bowls, plates and clamshell containers.
2. Solid hard rigid polystyrene products - red solo cups, plastic salad bar containers.

### Decisions to be made on

Should we ban all or some? Who will enforce the ban? Do we ban it for both businesses and private institutions (schools)? How long should the grace period be?

### Green Commission Discussions

Polystyrene is a reasonably anticipated to be a human carcinogen, does not break down in landfills, is not recyclable, a non-renewable resource, can harm or kill marine and wildlife and is a contributor to urban litter problems. There are other affordable options for retailers. It was decided the position of the Green Commission it would be in the best interest of the health and welfare of the City to ban polystyrene.

### Prohibition

A food establishment is prohibited from dispensing prepared food to customers in disposable food service containers that are made in whole or part from expanded polystyrene.

### Allowable

- The definition does not include single use disposable utensils, nor does it include single-use disposable packaging for unprepared food.
- Construction Materials

### Deferments

By application, subject to review by the Board of Health, up to one-year deferment would be allowed

### Enforcement

Board of Health

Penalties – written warning, \$25, \$50

### Effective Date

6 months out from passage

### Issues to Date

- Few Issues, very little grumbling, Some confusion on clear clam shell containers.
- Ordinance did not specify rigid polystyrene

### Resources

[www.massgreen.org](http://www.massgreen.org)

Google – internet has a lot of information

### Next Steps for Pittsfield

Look at banning rigid containers and plastic bags.

Kyle thanked Jim for his presentation.

## **VII. Short Term Rental Legislation – Consideration of Comments**

The Regional Issues Committee has been considering the various issues involving short-term housing rental legislation over the past several months. The Committee has proposed comments to be sent to the legislature.

Kyle thanked Pam Kueber and Gwen Miller for their efforts and bringing information to the Regional Issues meetings.

Jamie commented the letter addresses the issue for common standards needed for building, health and fire codes and asks that municipalities have the authority to regulate land use.

Pam Kueber agreed it was a well written letter and would like to abstain from the endorsement of the letter due to citizens committee forums on policy recommendations regarding Short-term rentals in Lenox.

Robert Ronzio made a motion to endorse the Short-Term Rental Legislation Comment letter as presented; seconded by Sheila Irvin. Unanimously approved with 3 abstentions.

## **VIII. Approval of Executive Committee Actions between September 28 and November 16, 2017**

Jamie Mullen moved to approve the Executive Committee actions between September 28 and November 16, 2017; seconded by Sheila Irvin. Unanimously approved with one abstention.

## **IX. Status of Executive Director Search Committee Efforts**

Kyle announce the job has been posted on BRPC's website. Kudos to staff who created a colorful sales brochure to entice applicants. At the next meeting the committee will determine the criteria to be used in screening resumes. The committee will begin reviewing resumes around December 15<sup>th</sup>. Nat explained a head hunter was not used due to the cost. Kyle explained Berkshire County is very unique, and a head hunter would not understand. Nat explained other RPA's did not get the value for the money spent when they used a head hunter. The position has been advertised on BRPC's website, the Berkshire Eagle, American Planning Association, State and New England Regional Planning Chapters, and International City/County Management Association.

## **X. Executive Director's Report**

### **A. 5<sup>th</sup> Thursday Dinner for Planning and Zoning Boards – November 30<sup>th</sup>, Mazzeo's, Pittsfield**

What's Happening in Berkshire Communities is the topic for the November 30<sup>th</sup> 5<sup>th</sup> Thursday Dinner which will be held at Mazzeo's on South Street in Pittsfield. This will be an informative evening with local planners who will talk about key planning initiatives in their communities. A copy of the dinner announcement was attached. Please register for the dinner at <https://www.eventbrite.com/e/fifth-thursday-dinner-tickets-39525261120>.

Nat encouraged anyone who has not signed up there is still time to do so.

### **B. Efficiency and Regionalization Grant Opportunity from Division of Local Services – application deadline November 16, 2017**

The Division of Local Services has issued a Request for Responses to the FY 2018 Efficiency and Regionalization Grant Program which provides financial support to governmental entities interested in implementing regionalization and other efficiency initiatives that allow for long-term local government sustainability. This has been a valuable source of assistance for projects in the region, particularly ones that were municipal/state commitments under the Community Compact program. The application period opened on October 16<sup>th</sup> and closes on November 16<sup>th</sup>. For further information, go to: <https://www.mass.gov/efficiency-regionalization-grant-program> or contact Executive Director Nat Karns at 442-1521, ext. 26 or [nkarns@berkshireplanning.org](mailto:nkarns@berkshireplanning.org).

### **C. Municipal ADA Compliance Grant Opportunity from Massachusetts Office on Disability – application deadline November 17, 2017**

The Massachusetts Office on Disability has issued a request for applications to the FY 2018 Municipal Americans with Disabilities (ADA) Improvement Grant Program. This is a great opportunity to get funds to develop an ADA Transition Plan or to carry out ADA improvements. The first round (typically there is a second spring round) deadline is November 17<sup>th</sup>. For further information on this program, go to <https://www.mass.gov/how-to/apply-for-a-grant> or contact Community & Economic Development Program Manager Pat Mullins at 442-1521, ext. 17 or [pmullins@berkshireplanning.org](mailto:pmullins@berkshireplanning.org).

### **D. Funding Available for Downtown Revitalization Technical Assistance from the Massachusetts Downtown Initiative Program/Department of Housing & Community Development – application deadline November 30, 2017**

Attached was a notice from the Massachusetts Downtown Initiative for technical assistance. For further information, go to <https://www.mass.gov/service-details/massachusetts-downtown-initiative-mdi>.

#### **E. District Local Technical Assistance Project Solicitation**

The solicitation for District Local Technical Assistance projects for calendar year 2018 will go out later this week to Select Boards, Planning Boards, Mayors, and Town Administrators/Managers. We will hand out the solicitation at the Commission meeting. Requests for assistance will be due back to **BRPC no later than December 15<sup>th</sup>**. For further information, contact Assistant Director Tom Matuszko at 442-1521, ext. 34 or [tmatuszko@berkshireplanning.org](mailto:tmatuszko@berkshireplanning.org).

Nat urged all to talk to himself, Tom or other staff with their ideas for projects. Staff will want to get started on new projects January 1, 2018.

#### **F. Congratulations to Stockbridge, Mount Washington, Pittsfield and North Adams on Successful MassWorks Applications**

To-date, four communities in the Berkshires have been awarded MassWorks grants for 2018. Stockbridge has received funding to assist in replacing the Rte. 183 bridge over Larrywaug Brook and Mount Washington has received funding to replace a failing culvert on East Road. Both were awarded as part of the Small-Town Road Assistance Program (STRAP) which is included in the overall MassWorks program. Pittsfield has received funding for an innovative project, in partnership with Central Berkshire Habitat for Humanity, to build six units of affordable housing on Deming Street. North Adams has received funding to finish the public infrastructure needed to support the Greylock Works project in the former Greylock or Cariddi Mill on Rte. 2.

#### **G. Other - none**

#### **XI. Adjournment**

Jamie Mullen made a motion to adjourn; seconded by Sheila Irvin. Unanimously approved. Adjourned at 8:50 pm.

#### Materials distributed or presented during this meeting:

Meeting Agenda

Draft Meeting Minutes

Approval of Executive Committee Actions Memo

Executive Director's Report

5<sup>th</sup> Thursday Dinner Announcement

Downtown Revitalization Technical Assistance Program Announcement

Massachusetts Freight Plan Presentation

Draft Comment Letter Massachusetts Freight Plan

Berkshire Taconic Community Foundation Presentation and Catalog

Draft Comment Letter Short Term Rental Legislation

Pittsfield Polystyrene Ban Presentation



# HOUSING CHOICE INITIATIVE

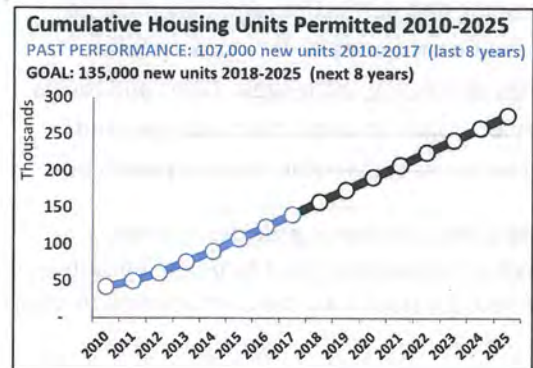
## NEW AND BETTER COORDINATED TECHNICAL ASSISTANCE

To assist municipalities to achieve Housing Choice status, DHCD's Housing Choice Program Director will coordinate existing technical assistance and provide "one-stop shopping" for information about **technical assistance grants** for local governments. In addition, MassHousing will provide **\$2 million** in planning assistance to help cities and towns achieve their affordable housing goals under Chapter 40B through its new "Planning for Production" program.

## TRACK PROGRESS TOWARD THE HOUSING GOAL

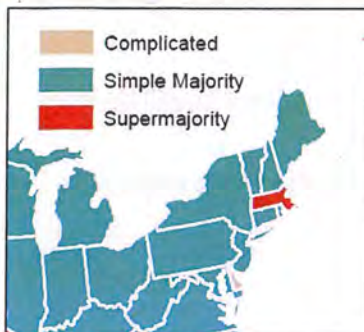
The Housing Choice Initiative will track progress toward a goal of **135,000 new housing units statewide by 2025**, or about 17,000 units per year.

- This goal requires sustaining the level of production over the three years
- Represents a 26 percent increase in housing production compared to the last eight years
- Keeps pace with projected increases in housing demand
- Closely aligned with the housing production goals required designation as a Housing Choice community



new  
last  
for

## LEGISLATION – AN ACT TO PROMOTE HOUSING CHOICES



The Administration will file **An Act to Promote Housing Choices**, to facilitate housing production and adoption of zoning best practices. It eliminates barriers to building new housing and improving land use without mandating that cities and towns adopt any specific zoning practices. The Act will change state law **to reduce the required vote from 2/3 "supermajority" to a simple majority for certain zoning changes**. This change makes Massachusetts more consistent with current practice in most states. Zoning changes that promote best practices that would qualify for the simple majority threshold include:

- Building mixed-use, multi-family, and starter homes, and adopting 40R "Smart Growth" zoning in town centers and near transit
- Clustering new homes to permanently preserve open space and protect natural resources
- Reducing parking requirements and dimensional requirements such as minimum lot sizes
- Allowing for transfer of development rights (TDR) zoning and natural resource protection zoning
- Allowing for increased density through a Special Permit process, promoting more flexible development
- Allowing accessory dwelling units or "in-law" apartments



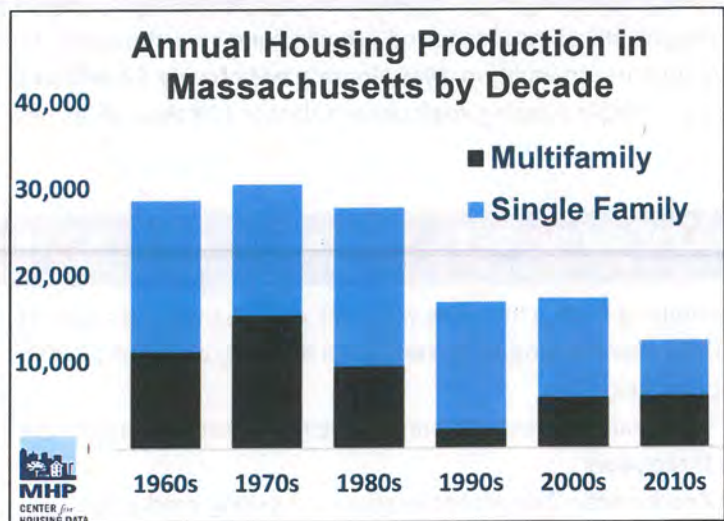
# HOUSING CHOICE INITIATIVE

## NEED FOR MORE HOUSING

Massachusetts home prices have increased at the fastest rate in the nation, and metropolitan Boston rent prices rank among the highest in the country. **The Commonwealth must add to its housing stock to support a growing economy and provide new housing choices.**

But we can't do it alone: municipalities have control over local zoning and permitting, and they must be partners if the Commonwealth is to successfully overcome these housing challenges. Cities and towns should be encouraged to adopt best practices and zoning that supports sustainable housing production.

*The Housing Choice Initiative provides incentives, rewards, technical assistance and targeted legislative reform to encourage and empower municipalities to plan and build the diverse housing stock that the Commonwealth needs to continue to thrive.*



## HOUSING CHOICE DESIGNATION

A Housing Choice Designation rewards communities that are producing new housing and have adopted best practices to promote sustainable housing development. Housing Choice designation provides:

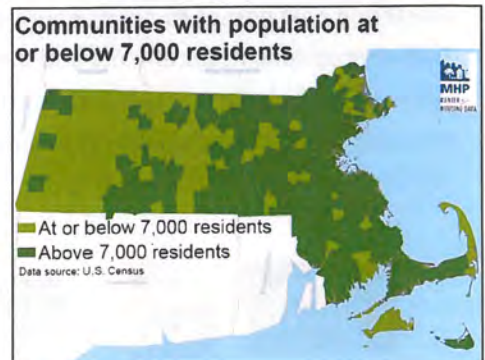


**Exclusive admission** to new **Housing Choice Capital Grants**, Housing Choice Communities will be eligible for a major new capital grant program.

**Priority access** to many Commonwealth grant and capital funding programs such as MassWorks, Complete Streets, MassDOT capital projects, and LAND and PARC grants.

## SMALL TOWN PROGRAM

Recognizing that small towns face different challenges, the Housing Choice Initiative will set aside funding for a competitive capital grant program exclusively for towns with population under 7,000. **\$1 million** in capital grant monies are expected to be available in the first year, to grow thereafter. Small Towns can also apply for Housing Choice Designation.



# There are two ways to get Housing Choice Designation

## #1 High Production

Greater than 5% housing growth OR 500 units over the last 5 years

Housing choice communities must have:

- Community Compact
- and
- No moratorium on new housing

## #2 Production & Planning

Greater than 3% housing growth OR 300 units over the last 5 years AND 4 of 9 housing best practices

### Housing Choice Communities

- Priority scoring for Commonwealth Grant Programs
- Exclusive access to a new capital grant program for Housing Choice Communities
- New and better coordinated technical assistance to maintain housing production
- Continue to support sustainable development in order to maintain designation and compete for Housing Choice Grants

## There are two ways to get Housing Choice Designation

For the Planning for Production (3% or 300 units) Housing Choice Designation Communities must meet 4 of the following 9 Best Practices, one of which must be related to affordable housing.

1. Designated local resources for housing such as established an Affordable Housing Trust, donated land, or appropriated substantial CPC funds for community housing (**Affordable Category**)
2. Selected a housing best practice as part of its Community Compact
3. Have achieved a minimum of 10% of housing stock as affordable according to the subsidized housing inventory (**Affordable Category**)
4. Have adopted zoning that allows mixed use, cluster development such as Open Space Residential Development (OSRD), or Natural Resource Protection Zoning (NRPZ) by right (or can demonstrate a pattern of approving such developments)
5. Have zoning that allows for accessory dwelling units by right (or can demonstrate a pattern of approving such developments)
6. Have zoning that provides for inclusionary housing with reasonable density increases so that housing is not unreasonably precluded (**Affordable Category**)
7. Have an approved 40R district, participate in the Housing Development Incentive Program or have adopted an Urban Center Housing Tax Increment Financing district (**Affordable Category**)
8. Have at least one zoning district that allows multifamily by right with capacity to add units and that allows for family housing
9. Have a certified housing Production Plan (**Affordable Category**)

## **An Act to Promote Housing Choices**

Massachusetts home prices have increased at the fastest rate in the nation, and metropolitan Boston rent prices rank among the highest in the country. The Commonwealth must build enough diverse housing stock – single family homes, multi-family units, and small apartments -- to support our growing economy and to provide our changing population with housing choices. **Massachusetts must find new ways to encourage housing development.**

**This new housing production should be concentrated in environmentally sound ways.** Massachusetts laws should make it easier to build housing that supports transit-oriented development, revitalizes downtowns, uses existing infrastructure, preserves natural land where possible, and avoids unnecessary environmental impacts. The Baker-Polito Administration's Housing Choice Initiative encourages and rewards municipalities for taking actions that result in housing production. *An Act to Promote Housing Choices* compliments the Housing Choice Initiative by lowering barriers to sustainable housing production and adoption of planning and zoning best practices. **At the same time, the legislation respects the role of local decision-making.**

**Massachusetts is an extreme outlier in requiring a supermajority vote of its local legislative bodies to change zoning laws,** and we are the only state in New England that requires a 2/3 vote to change local zoning. In order to facilitate adoption of zoning best practices and appropriate housing production, *An Act to Promote Housing Choices* lowers the voting threshold to a majority vote for specific best practices.

The following local zoning would only require a majority vote of the local legislative body:

- Reducing dimensional requirements, such as minimum lot sizes, to allow homes to be built closer together.
- Reducing required parking ratios, which can lower the cost of building new housing and accommodate development on a smaller footprint.
- Creating mixed-use, multi-family and starter home zoning in town centers, near transit, and in other smart locations.
- Adopting "Natural Resource Protection Zoning" and "Open Space Residential Development." These zoning techniques allow the clustering of new development while protecting open space or conservation land.
- Adopting inclusionary zoning, which requires certain housing developments to provide for people with low or moderate incomes.
- Adopting provisions for Transfer of Development Rights (TDR), which protects open space while creating more density in suitable locations.
- Adopting 40R "Smart Growth" zoning, which provides incentives for dense, mixed-use development in town centers, near transit, and in other "smart" locations.
- Allowing accessory dwelling units or "in-law" apartments – small apartments in the same building or on the same lot as an existing home.
- Allowing for increased density through a Special Permit process promoting more flexible development.

***This legislation does not mandate that any town to adopt these zoning best practices; it simply removes the barrier of having to convince a supermajority of the legislative body to adopt them.*** In addition, the legislation authorizes adjacent municipalities to enter into agreements for sites that span multiple communities.

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Executive Director

**MEMORANDUM**

**TO:** Delegates and Alternates, Berkshire Regional Planning Commission

**FROM:** Thomas Matuszko, Assistant Director

**DATE:** January 11, 2018

**SUBJ:** Proposed FY 2019 Community Assessments

State law requires that we set our community assessments for the upcoming fiscal year no later than February. The attached BRPC FY19 Assessment Worksheet Options contains some assessment options. At the extremes, we could recommend leaving the assessment the same as last year, increase it to a maximum of 2.5% (the maximum allowed without an over-ride vote), or set some rate between 0 and 2.5 % (a 1% increase is demonstrated).

As has been discussed numerous times previously, BRPC's General Fund is its weakest financial link. The revenue for the General Fund comes almost entirely from the Community Assessments. The General Fund is the only discretionary funding source to respond to all non-grant or non-contract funded items. These funds are used primarily for Environmental Review activities, Municipal Educational activities (including the popular 5<sup>th</sup> Thursday dinners and CPTC trainings), Grant Writing, "Project Development" and Local Technical Assistance. A strong case can be made for continuing with most years' practice of 2.5% increases. Increasing the assessment by 2.5%, will add about 2 pennies per capita and yield a total of \$2,487.84 in additional revenues, to a total of \$102,001.29.

The General Fund directly affects BRPC's Fund Balance (long-term savings account). For the most part, unless contracts are task-based, BRPC is not able to make "profits" on projects. Most of the time an increase to the fund balance comes from unspent General Fund (assessment) revenue. Correspondingly, a negative balance in the General Fund at the end of the Fiscal Year reduces the Fund Balance. We were able last year to add \$14,332 to the fund balance.

Given the financial situation for our General Fund, we are recommending that we seek the full 2.5% assessment increase. It will not solve the General Funds' problem, but we need to take every step possible to return it to a positive situation. **It is the Finance Committee's and staff's recommendation to increase the FY19 assessment rate by 2.5 percent.**

Attachment

BRPC FY19 Assessment Worksheet

Note: Actual census Population for 2010 used

FY19 Finance Committee Recommends - 2.5% Increase

		APPROVED FY17		APPROVED FY18		Recommended		Recommended		Recommended							
		Option C		Option C		Option A		Option A		Option B							
		2.5% increase over FY17 Total		Change from FY17 to FY18 with 2.5% increase		No increase in total assessment over FY18		No Change from FY18 to FY19		1% increase over FY18 Total							
								Change from FY18 to FY19 with 1% increase		2.5% increase over FY18 Total							
										Change from FY18 to FY19 with 2.5% increase							
Per Capita Assessment Rate		0.0076		0.0002		0.0076		-		0.0077		0.0001		0.0078		0.0002	
Assessment \$		\$ 99,513.45		\$ 2,427.16		\$ 99,513.45		\$ -		\$ 100,508.58		\$ 995.13		\$ 102,001.29		\$ 2,487.84	
<b>Community</b>		<b>2010 Population</b>															
Adams	8485	\$ 6,434.81	\$ 156.93	\$ 6,434.81	\$ -	\$ 6,499.16	\$ 64.35	\$ 6,595.67	\$ 160.86								
Alford	494	\$ 374.64	\$ 9.14	\$ 374.64	\$ -	\$ 378.39	\$ 3.75	\$ 384.01	\$ 9.37								
Becket	1779	\$ 1,349.15	\$ 32.91	\$ 1,349.15	\$ -	\$ 1,362.64	\$ 13.49	\$ 1,382.88	\$ 33.73								
Cheshire	3235	\$ 2,453.35	\$ 59.84	\$ 2,453.35	\$ -	\$ 2,477.88	\$ 24.53	\$ 2,514.68	\$ 61.33								
Clarksburg	1702	\$ 1,290.76	\$ 31.48	\$ 1,290.76	\$ -	\$ 1,303.67	\$ 12.91	\$ 1,323.03	\$ 32.27								
Dalton	6756	\$ 5,123.60	\$ 124.97	\$ 5,123.60	\$ -	\$ 5,174.84	\$ 51.24	\$ 5,251.69	\$ 128.09								
Egremont	1225	\$ 929.02	\$ 22.66	\$ 929.02	\$ -	\$ 938.31	\$ 9.29	\$ 952.25	\$ 23.23								
Florida	752	\$ 570.30	\$ 13.91	\$ 570.30	\$ -	\$ 576.00	\$ 5.70	\$ 584.56	\$ 14.26								
Great Barrington	7104	\$ 5,387.51	\$ 131.40	\$ 5,387.51	\$ -	\$ 5,441.39	\$ 53.88	\$ 5,522.20	\$ 134.69								
Hancock	717	\$ 543.75	\$ 13.26	\$ 543.75	\$ -	\$ 549.19	\$ 5.44	\$ 557.34	\$ 13.59								
Hinsdale	2032	\$ 1,541.02	\$ 37.59	\$ 1,541.02	\$ -	\$ 1,556.43	\$ 15.41	\$ 1,579.55	\$ 38.53								
Lanesborough	3091	\$ 2,344.14	\$ 57.17	\$ 2,344.14	\$ -	\$ 2,367.58	\$ 23.44	\$ 2,402.74	\$ 58.60								
Lee	5943	\$ 4,507.04	\$ 109.93	\$ 4,507.04	\$ -	\$ 4,552.11	\$ 45.07	\$ 4,619.72	\$ 112.68								
Lenox	5025	\$ 3,810.85	\$ 92.95	\$ 3,810.85	\$ -	\$ 3,848.96	\$ 38.11	\$ 3,906.12	\$ 95.27								
Monterey	961	\$ 728.80	\$ 17.78	\$ 728.80	\$ -	\$ 736.09	\$ 7.29	\$ 747.02	\$ 18.22								
Mt. Washington	167	\$ 126.65	\$ 3.09	\$ 126.65	\$ -	\$ 127.92	\$ 1.27	\$ 129.82	\$ 3.17								
New Ashford	228	\$ 172.90	\$ 4.22	\$ 172.90	\$ -	\$ 174.63	\$ 1.73	\$ 177.22	\$ 4.32								
New Marlborough	1509	\$ 1,144.39	\$ 27.91	\$ 1,144.39	\$ -	\$ 1,155.83	\$ 11.44	\$ 1,173.00	\$ 28.61								
North Adams	13708	\$ 10,395.83	\$ 253.56	\$ 10,395.83	\$ -	\$ 10,499.79	\$ 103.96	\$ 10,655.73	\$ 259.90								
Otis	1612	\$ 1,222.51	\$ 29.82	\$ 1,222.51	\$ -	\$ 1,234.74	\$ 12.23	\$ 1,253.07	\$ 30.56								
Peru	847	\$ 642.34	\$ 15.67	\$ 642.34	\$ -	\$ 648.76	\$ 6.42	\$ 658.40	\$ 16.06								
Pittsfield	44737	\$ 33,927.51	\$ 827.50	\$ 33,927.51	\$ -	\$ 34,266.79	\$ 339.28	\$ 34,775.70	\$ 848.19								
Richmond	1475	\$ 1,118.61	\$ 27.28	\$ 1,118.61	\$ -	\$ 1,129.80	\$ 11.19	\$ 1,146.58	\$ 27.97								
Sandisfield	915	\$ 693.91	\$ 16.92	\$ 693.91	\$ -	\$ 700.85	\$ 6.94	\$ 711.26	\$ 17.35								
Savoy	692	\$ 524.80	\$ 12.80	\$ 524.80	\$ -	\$ 530.05	\$ 5.25	\$ 537.92	\$ 13.12								
Sheffield	3257	\$ 2,470.03	\$ 60.24	\$ 2,470.03	\$ -	\$ 2,494.73	\$ 24.70	\$ 2,531.78	\$ 61.75								
Stockbridge	1947	\$ 1,476.56	\$ 36.01	\$ 1,476.56	\$ -	\$ 1,491.33	\$ 14.77	\$ 1,513.47	\$ 36.91								
Tyringham	327	\$ 247.99	\$ 6.05	\$ 247.99	\$ -	\$ 250.47	\$ 2.48	\$ 254.19	\$ 6.20								
Washington	538	\$ 408.00	\$ 9.95	\$ 408.00	\$ -	\$ 412.08	\$ 4.08	\$ 418.20	\$ 10.20								
West Stockbridge	1306	\$ 990.44	\$ 24.16	\$ 990.44	\$ -	\$ 1,000.34	\$ 9.90	\$ 1,015.20	\$ 24.76								
Williamstown	7754	\$ 5,880.46	\$ 143.43	\$ 5,880.46	\$ -	\$ 5,939.26	\$ 58.80	\$ 6,027.47	\$ 147.01								
Windsor	899	\$ 681.78	\$ 16.63	\$ 681.78	\$ -	\$ 688.60	\$ 6.82	\$ 698.82	\$ 17.04								
<b>Overall total</b>	<b>131219</b>	<b>\$ 99,513.45</b>	<b>\$ 2,427.16</b>	<b>\$ 99,513.45</b>	<b>\$ 0.00</b>	<b>\$ 100,508.58</b>	<b>\$ 995.13</b>	<b>\$ 102,001.29</b>	<b>\$ 2,487.84</b>								

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](http://www.berkshireplanning.org)

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CHARLES P. OGDEN, Treasurer

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

**MEMORANDUM**

**TO:** Delegates & Alternates, Berkshire Regional Planning Commission  
**FROM:** Nathaniel W. Karns, AICP, Executive Director  
**DATE:** December 28, 2017  
**SUBJ:** Executive Director's Report

A few items deserve mention:

A. Final Audit for FY 2017

We have received the final audit for FY 2017. There were no findings and no recommendations for improvements to our financial management and oversight systems. BRPC's net financial condition decreased by \$47,523 to a total accumulated net deficit of \$1,144,017. This decrease is due to the requirement to record future retiree post-employment benefits as a liability rather than waiting until payments have to be made. Absent this requirement, the Commission would have shown an increase of \$14.332 for the year. We do continue to make contributions to our Health Benefits Trust Account and expect to contribute \$45,000 during FY 2018. Over time these contributions will assist us in reducing this deficit to cover future cost.

B. Promotion of Allison Egan to Senior Planner

I am pleased to report that Allison Egan has been promoted to Senior Planner. Allison has worked in our Public Health Program for the past 2 ½ years. She has focused on emergency preparedness planning and due to the quality of her work, has spoken at both national and state level conferences. She also coordinates the work of the Berkshire County Boards of Health Association.

C. Status of District Local Technical Assistance Program & 2018 Project Selection

Unfortunately, the District Local Technical Assistance Program (DLTA) contracts to all regional planning agencies were delayed this year due to the addition of the Housing Choice Program, which was just announced in mid-December. As of January 11, 2017, we have not yet received the contract. In order to start working as soon as possible in the beginning of the calendar year, we did conduct a solicitation. Requests for DLTA Assistance were due January 10, 2017. We received 25 applications, which includes 9 regional / subregional ones. Staff is reviewing them and will be working with the identified municipal contacts ASAP to better understand the desired work to be able to allocate BRPC staff resources.