



# BRPC

Berkshire Regional Planning Commission

KYLE HANLON, Chair  
JOHN DUVAL, Vice-Chair  
SHEILA IRVIN, Clerk  
MALCOLM FICK, Treasurer  
THOMAS MATUSZKO, A.I.C.P.  
Executive Director

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## MINUTES OF THE FULL COMMISSION January 21, 2021 MEETING

**Virtual Meeting** as allowed by Massachusetts Governor Charlie Baker's Executive Order dated March 12, 2020 suspending certain provision of the Open Meeting Law, G.L. c.30 sec.20.

### I. Opening

#### A. The meeting was called to order at 7:03 PM

Chair Kyle Hanlon reminded all that per the open meeting law, BRPC records all meetings. Others may record the meeting after informing the chair. Any documents presented must be provided to the chair at the meeting. Pittsfield TV and iBerkshires are recording.

#### Roll Call

The following Commission members were present:

Alvin Blake – Becket Alternate  
Peter Traub – Cheshire Delegate  
Zack McCain – Dalton Delegate  
Pedro Pachano – Gt. Barrington Delegate  
Malcolm Fick – Gt. Barrington Alternate  
James Sullivan – Hinsdale Delegate  
Barbara Davis-Hassan – Lanesborough Alternate  
Buck Donovan – Lee Delegate  
Matthew Carlino – Lee Alternate  
Lauryn Franzoni – Lenox Delegate  
Kyle Hanlon – North Adams Delegate  
Sheila Irvin – Pittsfield Delegate  
Fred Schubert – Richmond Alternate  
Kenneth Smith – Sheffield Delegate  
Rene Wood – Sheffield Alternate  
Nancy Socha – Stockbridge Delegate  
Dante Birch – Williamstown Delegate  
Roger Bolton – Williamstown Alternate  
Doug McNally – Windsor Alternate

Staff Present:

Thomas Matuszko – Executive Director  
Marianne Sniezek – Office Manager  
Phil Arnold – Community Planner  
Laura Kittross - Public Health Program Manager

Nat Karns – Project Specialist  
Kate Hill Tapia –Office Administrator

Others Present:

David Zink - Windsor  
Brittany Polito - iBerkshire  
Jane Winn - The BEAT

## **B. Approval of Minutes of November 19, 2020 Meeting**

Sheila Irvin moved to approve; Pedro Pachano seconded. No comments or discussion. Approved with a roll call vote and 3 abstentions.

Roll Call Vote:

Alvin Blake – Becket Delegate - Yes  
Peter Traub – Cheshire Delegate - Yes  
Zack McCain – Dalton Delegate - Yes  
Pedro Pachano – Gt. Barrington Delegate – Yes  
James Sullivan – Hinsdale Delegate - Yes  
Barbara Davis-Hassan – Lanesborough Alternate – Yes  
Buck Donovan – Lee Delegate - Abstain  
Lauryn Franzoni – Lenox Delegate - Yes  
Kyle Hanlon – North Adams Delegate - Yes  
Sheila Irvin – Pittsfield Delegate - Yes  
Fred Schubert – Richmond Alternate - Yes  
Kenneth Smith – Sheffield Delegate - Yes  
Nancy Socha – Stockbridge Delegate - Abstain  
Roger Bolton – Williamstown Alternate – Yes  
Douglas McNally – Windsor Alternate – Abstain

Tom introduced Kate Hill Tapia as the new BRPC Office Administrator.

## **II. Comments from the Public – Jane Winn, The BEAT**

We believe housing strategy should focus on making sure that all housing is energy efficient. The cleanest least expensive energy is the energy we do not use. New construction should be built to zero-net energy standards and in most parts of the state, this adds little cost to the building and saves lots of money on energy for the entire life of the building. Energy efficiency is particularly important for poor people who spend a disproportionate amount of their income on energy. We need a mechanism to force landlords to upgrade the energy efficiencies of their properties. This would tenants' lives and fight the climate crisis by decreasing demand for dirty polluting fossil fuels.

### **III. Delegate & Alternate Issues**

#### **Open Meeting Question:**

Fred Schubert – Richmond asked for clarification if it is a requirement of Open Meeting rules that everyone attending the meeting be listed. Executive Director Tom Matuszko clarified that it is not needed. If people want to be added as a guest on the record, they have the option to announce themselves.

#### **Meeting Time:**

Barbara Davis-Hassan – Lanesborough. Question for the Chair: Is there a reason why meetings are so late (7-9 p.m.) and has it been considered to change the time to earlier?

Chair Kyle Hanlon stated that when the commission met in person, the meetings were later so people had time to get to Pittsfield after the workday. It was agreed to poll members and discuss it at the next full Commission meeting March 18, 2021.

Additional comments:

- The Chair has the authority to set Commission meetings. 6 p.m. is the earliest he could meet.
- 4-6 p.m. is a popular meeting time and many people are on multiple boards
- Essential workers work until dark
- A change of meeting time might make it harder for some people to participate
- It was requested that the poll note that the Commission only meets six times a year and not in the summer.

#### **Promoting Energy Audits:**

Alvin Blake asked if BRPC would help promote energy audits, especially to landlords. Tom said a notice could go in the newsletter.

### **IV. Executive Committee Actions**

There were no questions or comments on the actions taken by the Executive Committee at the December 3, 2020 and January 7, 2021 meetings.

### **V. Amendments to the Zoning Enabling Act in the Economic Development Bill (7:20-7:50) <https://malegislature.gov/Bills/191/H5250>**

BRPC Community Planner, Phil Arnold, did a presentation on the Economic Development Bill effective immediately. It contained important changes to the Zoning Enabling Act related to housing. Link to Phil's presentation:

[https://berkshireplanning.org/wp-content/uploads/2021/01/40A-Amendments BRPC-Full-Commission 1.21.21-BRPC-copy.pdf](https://berkshireplanning.org/wp-content/uploads/2021/01/40A-Amendments_BRPC-Full-Commission_1.21.21-BRPC-copy.pdf)

Bill Highlights:

- Housing Choice legislation that allows municipalities to adopt pro-smart growth zoning changes by a simple majority
- Appeals Reforms (abutter appeals)
- \$20 Million Expansion of State LIHTC
- Tenant Board Members at local housing authorities
- Eviction Record Sealing
- Tenant Opportunity Purchase Legislation

New definitions inserted into the law:

- Accessory dwelling unit
- As of right
- Eligible locations
- Gross density
- Lot
- Mixed-use development
- Multi-family housing
- Natural resource protection zoning
- Open space residential development

Ordinance changes or adoptions may be adopted by a simple majority vote of town or city council, or at town meeting for (see bill for a complete list):

- An amendment to a zoning ordinance or bylaw to allow any of the following as of:
  - multi-family housing or mixed-use development in an eligible location
  - accessory dwelling units, whether within the principal dwelling or a detached structure on the same lot; or
  - open space residential development
- An amendment to a zoning ordinance or bylaw to allow by Special Permit:
  - multi-family housing or mixed-use development in an eligible location
  - an increase in the permissible density of population or intensity of use of a particular use in a proposed multi-family or mixed use development
  - accessory dwelling units in a detached structure on the same lot
  - reduced parking for residential or mixed use development
- Providing for TDR (transfer of development rights) zoning
- Modifying regulations (e.g., setbacks, building coverage, etc.) to allow for additional housing units beyond what is currently allowed
- Adoption of a Smart Growth Zoning District or Starter Home Zoning District in accordance with Section 3 of Chapter 40R

Regarding judicial review, a new provision states that the court may require a plaintiff appealing a decision to approve a special permit, variance or site plan to post a surety or cash bond in an amount of not more than \$50,000 to secure the payment of costs if the court finds that the harm to the defendant or the public interest resulting from delays caused by the appeal outweighs the financial burden of the surety or cash bond on the plaintiffs.

BRPC will be available to municipalities as a resource on these topics. Below is a link to a five-page summary of the bill on BRPC's website.

<https://berkshireplanning.org/wp-content/uploads/2021/01/40A-Changes-Economic-Development-Bill-12.31.20.pdf>

Tiny houses were mentioned, and Pedro said that the next building code will have definitions for a tiny house. He recommended that if your town does not have an ordinance for accessory dwelling units, that could be applied to tiny houses, you should look into it.

## **VI. Regional Housing Strategy**

Tom reported we have been hearing housing is a problem in Berkshire County. BRPC is partnering with 1Berkshire and has created a group, supported by Nat Karns (former BRPC Executive Director), to develop a regional housing strategy. The strategy is meant to be a policy document to identify solutions such as legislation, problems to be corrected, funding, programmatic elements from state government, etc. This document would provide the justification for these requests.

Five themes have been identified:

- Foster a diversity of quality housing options
- Create a welcoming framework for housing development
- Municipal Readiness
- Mobilization of Developers
- Address Housing Insecurities

Tom asked the Commission to have an open discussion about housing issues and concerns and ways to address them. The strategy is not just about affordable housing, the county needs all kinds of housing units.

The administration of the process is a challenge for small towns. We do not have the resources to take on housing development. Setting aside land for starter homes is a good idea.

Tom shared that the strategy group has talked about whether communities would be willing to collaborate on a housing administration position. Communities can establish an affordable housing trust that can get funding.

Comments from the Commission included the aging population who want to stay in their community and the huge issue of transportation. There are many seniors who do not need assisted living but may consider cluster housing if transportation was available. Without them, a community dies; they are the institutional history. All parties should be at the table when this discussed and we need to talk about regionalization of resources such as transportation.

It would be good to explore barriers to creating multi-family within existing structures and conversion of buildings to housing such as splitting large older homes into apartments. A shortage of developers and contractors is another

issue. Bundling development opportunities and marketing to attract developers to work in the Berkshires was discussed.

Building costs have gone up significantly so government funding and/or incentives are needed for smaller communities and smaller developments. What has worked in Berkshire County is buying inexpensive church property and converting to housing. Expanding opportunities zones was recommended to open up inventory for developers.

Another issue is out of state buyers setting up short term rentals such as Airbnb, reducing the availability of houses and increases prices. It is more lucrative than renting. There is a shortage of apartments for rent for all income levels. In other areas of the region buyers are buying property to renovate them and moving tenants out of affordable housing.

COVID-19 has pushed prices up, so the average person cannot afford to buy or rent an apartment. Young professionals looking for housing end up living in New York due to high costs or slumlord housing.

Villages of the Berkshires, services to seniors who want to stay in their homes, was mentioned as an alternative that BRPC could partner with to expand. Tom said BRPC has worked with them. Those services do not address the need for more housing units.

There is an opportunity for Berkshire County due to telecommuting work, to repopulate, but quality housing and education are needed to attract young families.

## **VII. The Public Health Response to the COVID-19 Crisis**

BRPC Public Health Program Manager Laura Kittross reviewed BRPC's COVID-19 activities since the beginning of the pandemic. Below is a link to the presentation as well as a summary.

[https://berkshireplanning.org/wp-content/uploads/2021/01/BRPC-Briefing-on-Vaccinations-1\\_21\\_21.pdf](https://berkshireplanning.org/wp-content/uploads/2021/01/BRPC-Briefing-on-Vaccinations-1_21_21.pdf)

Laura gave an overview of the Public Health Organizations associated with BRPC. Berkshire County Boards of Health Association and the Berkshire Public Health Alliance.

Between February and March 2020, the Public Health Nurse immediately began case investigation and contact tracing. Collaboration with Berkshire Medical Center began for medical records, testing results, and the delivery of vaccine.

The role of Public Health is preventing others from getting sick not treatment. Our Public Health Nursing Program now covers 22 municipalities.

Currently the Public Health Nursing Program is concentrating on vaccination efforts. The Community Tracing Collaborative is doing contact tracing.

BRPC received emergency funding from the Department of Public Health. These funds allowed additional nurses and extensive BRPC staff time, supplies, protective gear and public information.

COVID-19 case reporting and information can be found on several websites.

Laura reported on how many Berkshire County residents have been vaccinated and the next steps to vaccinations. There has been collaboration and coordination to run the clinics in Berkshire County. The use of an on-line pre-registration and automatic billing system allows for large clinics. Berkshire Medical Center will be the Vaccine Depot to allow vaccine to be deployed to where it is needed.

We believe we could deliver 15,000 vaccinations a week if vaccine were available and permission were given to move phases as soon as one was completed. We could vaccinate the entire county, including second doses, in less than 3 months. This will not happen, but it is the best-case scenario.

Laura also informed the group on where information can be found on COVID vaccination.

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

### **A. Mass Internet Connect**

The Baker Administration recently announced a new subsidy program, called "Mass. Internet Connect" (<https://broadband.masstech.org/mass-internet-connect>). Launched by the MBI in partnership with the Executive Office of Labor and Workforce Development (EOLWD) and working with MassHire one-stop career centers on the rollout of the program and collaborating with internet service providers across the state, including Comcast, Charter, and Verizon, this program will offer subsidies and devices to job seekers. In addition, MBI will expand a Wi-Fi hotspot program statewide, delivering free high-speed access points to Gateway Cities, helping expand internet accessibility in areas hard-hit economically by the COVID-19 pandemic. The programs are part of the \$774 million economic recovery plan announced by the Administration in October. See attached press release.

### **B. Session Ending Legislative Push**

The Massachusetts Legislature passed three major pieces of legislation at the very end, literally, of the last session: a Climate Bill, Economic Development Bill and Transportation Bond bill.

- The Climate Bill was recently vetoed by the Governor. This was partially due to the late passage of the bill and not enough time in the session for the legislature to consider partial vetoes. The Governor has expressed his overall support for climate legislation. There were, however, differences in the Administration and legislature's versions.
- The Economic Development Bill was passed by the legislature and approved by the Governor, with certain line-item vetoes. There are many important provisions in that legislation that will be beneficial to Berkshire County. Unfortunately, the creation of the Office of Rural Policy, a high priority for the Rural Policy Advisory Commission, was not approved.
- The Transportation Bond Bill was passed by the legislature. In addition to much-needed funding for roads and bridges, significant funding is included for the Complete Streets program, a popular program for Berkshire County communities. Funding is also included for rail efforts, such as the Berkshire Flyer and East-West rail.

### **C. Office Update**

Due to the COVID-19 pandemic, the BRPC Office is still closed to the public. In addition, in response to Governor Baker's most recent directives, a very small number of staff, 4-6 at any one time, are allowed in the office. Many days there have been fewer staff. When staff are in the office, they need to keep their face covering on, except when they are in a private office with the door closed.

### **D. Other**

Tom informed the group of Community One Stop for Growth. The One stop process replaces how communities apply to several state grant programs. Tom asked all to inform their grant writers about training in this new program. For more information visit [www.mass.gov/onestop](http://www.mass.gov/onestop)

## **XI. Adjournment**

Fred Schubert made a motion to adjourn; seconded by Barb Davis-Hassan. Unanimously approved. Adjourned at 9:15 pm.

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

Meeting Agenda

Draft Meeting Minutes November 19, 2020

Executive Committee Actions Memo

Executive Director's Report

Amendments to the Zoning Enabling Act in the Economic Development Bill and power point

Regional Housing Strategy

Public Health Response to the COVID-19 Crisis Summary power point

Internet Connectivity

Letter – Net Zero Greenhouse Gas

Letter – House bill 5250 Act enabling partnerships for growth