



A Newsletter for Community Planning in the Berkshire Region

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Staff Announcements

We are excited to have two new Planners join the Public Health Program in July! Look for full introductions to [Matthew Gilbert](#) and [Jaymie Zapata](#) in the August Common Ground.

Welcome to [Claire Jones](#), a Pittsfield High School student and MassHire YouthWorks summer intern. She will be helping BRPC's Economic Development team and learning about urban planning and economic development careers. Learn more about MassHire YouthWorks programs [here](#).

We wish [Emily Lange](#), Energy & Environmental Planner, well and thank her for significant contributions to our communities through the Green Communities Program, work on energy efficiency, and efforts to make energy incentive programs more accessible. Emily is moving out of state for family reasons. Her last day was June 21.

Employment Opportunities

[Energy and Environmental Planner](#)

This position assists communities, conservation organizations, and local committees to create a more sustainable and resilient Berkshire region.

[BRPC Human Resources Payroll Assistant](#)

Performs day-to-day payroll and benefits transactions and maintains personnel and payroll information.

Grants & Opportunities & Meeting Dates

The Massachusetts Department of Environmental Protection (MassDEP) announces funding for private, public, and non-profit entities to replace eligible diesel vehicles and equipment with zero emission technologies. Through the federal **Diesel Emissions Reduction Act (DERA)** program, Massachusetts is conducting a competitive electric-only Solicitation with an application deadline of **5 PM August 24, 2022**. This is an early replacement program designed to accelerate the retirement of less efficient and more polluting diesel vehicles and equipment. Website for more information and to apply [HERE](#).

Safe Streets and Roads for All

See the Transportation section below for details. **Deadline September 15.**

Thursday, July 14 virtual Commission Meetings:

- Executive Committee 4:00 pm
 - Full Commission 5:30 pm
-

State Grant Opportunities Workshops

Recordings available on our website [HERE](#):

- **One Stop for Growth overview**
- **Federal Highway, MassDOT**
- **Energy and Environmental Affairs: MVP, DEP, DOER, and DER**

- Mass Historic Commission, Mass Cultural Council

Date TBD - Mass Broadband Institute (MBI), Technology Services & Security; Please register [here](#).

Community Planning

New Guidance on Solar Energy Zoning Bylaws / Ordinances

The Supreme Judicial Court case, [Tracer Lane II Realty v. City of Waltham](#), provided new guidance on a municipality's ability to regulate solar energy facilities. In this case, the proposed solar energy facility was to be located in the Town of Lexington, but accessed solely by a proposed road across a residentially zoned parcel in the adjacent City of Waltham. Waltham refused development of the access road on the basis that it was a commercial use prohibited in the residential zone. The Supreme Judicial Court concluded that Waltham's zoning bylaw—which prohibited large-scale solar facilities in all but one to two percent of its land area—presented an unreasonable regulation of solar energy systems. Section 3 of The Zoning Act, states, “No zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, *except where necessary to protect the public health, safety or welfare.*” In this case, however, The Court focused on the stringency of Waltham's prohibition, finding that there was no reasonable basis grounded in “public health, safety, or welfare” to restrict solar energy systems to such a small portion of the City's land area. The Court also noted that such a restriction “restricts rather than promotes the legislative goal of promoting solar energy.”

Communities considering solar energy bylaws should conduct a planning process that includes “public health, safety, or welfare” risks to identify locations where such solar energy systems would present risks to the public interest. Reasonable restriction likely could be placed on those systems in a manner proportional to that risk. Thanks to the law offices of MiyaresHarrington ([Law Firm | Miyares and Harrington LLP | Wellesley \(miyares-harrington.com\)](#)) for summarizing this case.

Data & Information Services

Massachusetts Data Hub

The Commonwealth offers a lot of data on its website, but it has historically been hard to find unless you are a regular user of one of its databases. Last month the state unveiled the Massachusetts Data Hub <https://www.mass.gov/massachusetts-data-hub>, which allows the public to access most of its data from one central website. Whether it is the latest education statistics, unemployment data, marijuana licenses, or the number of births, you can find it all on the website. Give it a try next time you need data from the state.

Economic Development

CEDS Committee Seeks Priority Projects

BRPC, on behalf of the Berkshire CEDS Committee, is gathering information on high-priority economic development projects in the Berkshires. A Priority Project list resulting from this process will be included in the region's 2023-2027 Comprehensive Economic Development Strategy (CEDS).

Submissions are due **no later than July 29** through an online form: https://bit.ly/CEDS_projects. Members of the regional CEDS Committee will vote on projects to include in the 2023-2027 report before it is submitted to the federal Economic Development Administration in December.

FREE Education and Training through OIG

BRPC's Economic Development staff are working with the MA Office of the Inspector General to provide Massachusetts Certified Public Purchasing Official (MCPPO) [courses and other trainings](#) to Berkshire County municipal leadership **at no charge to your community**. Classes can include MCPPO Designation or Designation Renewal, or MCPPO Electives including Chapter 30B

Exemptions, Chapter 30B Terms/Practices, Contract Administration, Cybersecurity, IFP and RFP Workshop, Real Property Transactions, and others.

Please **CONTACT US SOON** if you, your staff, or your board/committee leadership are interested in participating in a Fall 2022 class. Registration opens next week and classes will fill quickly.

Please email Laura Brennan at lbrennan@berkshireplanning.org with "OIG" in the subject line.

NEW - Planning Toolkit Available Online

Two-page tip sheets have been compiled by BRPC to assist municipal leaders in learning more about various planning, zoning, and programs that may be appropriate for their community. We will continue to add to the list in the next few months, but **included in the launch of this new [Planning Toolkit](#)** are summaries on the following topics:

- Accessory Dwelling Units (ADUs)
- Adaptive Reuse Zoning
- Affordable Housing Trusts
- Business Improvement Districts (BIDs)
- Chapter 40R
- Historic Rehabilitation Tax Credits
- Inclusionary Zoning
- Live Work Housing
- Low Income Housing Tax Credits
- Property Assessed Clean Energy (PACE)

If there's a topic you'd like us to cover, let us know! Please email [Laura Brennan](mailto:Laura.Brennan).

Environmental & Energy



So Much Happening in Stormwater

BRPC hired two incredible interns to map the stormwater systems in MS4 communities and look for potential pollution making its way through stormwater pipes and into our lakes and rivers. If you see them out in the field, be sure to say hello and tell them if you've noticed any stormwater issues. We're also looking at town bylaws & zoning requirements to see how friendly regulations are to green infrastructure and make recommendations on how to encourage stormwater infiltration through local policy. Finally, we joined the University of New Hampshire's Stormwater Center on green infrastructure site assessments as part of an Upper Housatonic Mass DEP nutrient and bacteria study. It was amazing to see all the opportunities and have some quality time outdoors!

Photo: Matt O'Sullivan, UMass Amherst, Master of Regional Planning (ground) and Dillan Patel, Rutgers University, Master of City and Regional Planning (standing, this time) inspecting and mapping in Lanesborough. No ivory tower in sight!

In addition, BRPC is looking for ecological restoration opportunities. This spring we joined the regional Berkshire Clean, Cold, Connected partnership. This regional collaboration is funded by Mass DER and includes the major watershed and environmental organizations Housatonic Valley Association, Farmington River Watershed Association, Hoosic River Watershed Association, Trout Unlimited, and Berkshire Environmental Action Team. We're looking for restoration projects to feed implementation funds toward. **Do you have an undersized culvert or stream bank erosion opportunity in your municipality?** If so, get in touch! We have funding and there's no match for the town. Contact [Courteny Morehouse](mailto:Courteny.Morehouse), 413-442-1521 x26.

Regional Services

[Newly Elected Select Board Members Training](#)

Veteran select board members will share their experiences and take questions. Sessions include:

- Municipal Finance and Budgeting 101
- Collaborative Decision Making
- Introduction to the Open Meeting and Public Records Laws

Any Select Board member is welcome.

Newly elected members are encouraged to share their contact information with the MMA (by email to database@mma.org) to receive information about Select Board Association events.

Transportation

Northern Tier Rail Study Public Meeting

The Northern Tier Passenger Rail Study team invites the public to a virtual Public Information Meeting on **Thursday, July 14 at 6:00 PM via Zoom**. Information about registering for this meeting will be posted on the study website:

<https://www.mass.gov/northern-tier-passenger-rail-study>



The study team will share an overview of the study's background, review the existing conditions analysis, and garner feedback on issues and opportunities along the corridor. A great deal of work has occurred on this study and this is an opportunity to learn about the study's progress.



Safe Streets and Roads for All

An opportunity to make important capital investments in the safety of roadways around Berkshire County is available. The **Safe Streets and Roads for All (SS4A)** grant program is a new component of the federal Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law or BIL. Over the past decade, we have begun to reverse the significant safety progress made over the past half-century. 2021 is projected to be the deadliest year on our roads **in the past sixteen years**. Berkshire County's 5-year average rates of death and serious injury have been increasing as well.

Who can apply for the grant? Local entities including town, city, village, and county governments, as well as metropolitan planning organizations (MPOs), federally recognized Indian Tribal governments, or multi-jurisdictional collaborations between the preceding entities may apply for SS4A grants. State government agencies and Departments of Transportation (DOT) are not eligible to apply for these funds, although it is encouraged to coordinate and gain support from these bodies.

How does the grant process work? The SS4A grants are split into two categories: Action Plan and Implementation.

- **Action Plan grants** are for the development of a Comprehensive Safety Action Plan (CSAP).
- **Implementation grants** are reserved for projects identified in a CSAP. A CSAP must be completed and approved by USDOT before applying for Implementation funds.

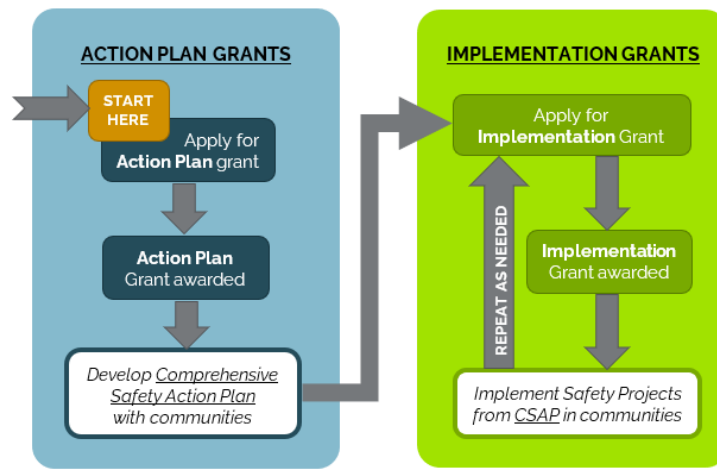
Award Levels:

- Action Plan grants: \$200,000 to \$1 million, with MPOs eligible for up to \$5 million.
- Implementation grants: \$3 million to \$30 million, with MPOs eligible for up to \$50 million.

Local match required: 20%

Deadline: September 15

To learn more about the Safe Streets and Roads for All program and how Berkshire County could implement it by developing a Comprehensive Safety Action Plan, please email [Nicholas Russo](mailto:Nicholas.Russo@dot.state.ma.us), Senior Transportation Planner.



Berkshire Regional Planning Commission
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