



BRPC

Berkshire Regional Planning Commission

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REGIONAL ISSUES COMMITTEE – Meeting Minutes **Approved with revisions**

Wednesday, April 24, 2024, 3:30 p.m.
via Zoom

Committee Members Present

Malcom Fick, BRPC Chair, ex-officio; Alternate from Great Barrington
Kyle Hanlon, Delegate from North Adams
Sheila Irvin, Delegate from Pittsfield
Kent Lew, Washington (non-Commission member)
Christine Rasmussen, Alternate from Stockbridge, RIC Chair
Andrew Goff, Williamstown Community Development Director

Committee Members Not Present

Eleanor Tillinghast, Mount Washington (non-Commission member)

BPRC Staff Present

CJ Hoss, Community Planning Program Manager
Tom Matuszko, Executive Director

I. Call to Order

The meeting was called to order at 3:38 by Christine R. Roll call was taken and the meeting was recorded.

II. Approval of February 28, 2024 Meeting Minutes

Kent L. asked for two typos to be corrected. Under Section I, Call to Order, Christine's name was missing the letter "i". On the second page, the passage "stuck to the degree" should be corrected to "struck to the degree". Kent L. made a motion to approve. Sheila I. seconded the motion. The motion to accept the minutes passed all 3-0 with one abstention (Andrew G.)

III. Discussion and update regarding House Bill H.3551, An Act Facilitating Site Plan Review

CJ H. said that this bill came to BRPC's attention since the last RIC meeting. The purpose of the bill is to codify generally accepted best practices for how municipalities use site plan review. The Massachusetts Municipal Lawyer's Association authored a letter voicing its support for the bill. BRPC circulated this letter last week. The Lawyer's Association also proposed several edits to the bill to clarify gray areas and resolve inconsistencies with the generally accepted use of site plan review. For instance, site plan review is typically conducted by planning boards, but the bill puts the onus for review on permit granting authorities. Additionally, there are some inconsistencies with respect to fees and the appeal process. The Executive Committee expressed that it would rather see this bill move forward as-is, rather than no such bill be passed. The Executive Committee approved BRPC staff to draft a letter in support of the bill and the edits proposed by the Lawyer's Association. This letter was circulated to the Joint Housing Committee as well as Berkshire County's

legislators and some other legislators who are involved with the bill. BRPC has not yet received any responses from State House staff or legislators.

Christine R. said that the House is beginning budget negotiations so there likely will not be any movement on the bill in the immediate future. Also, a bill that codifies site plan review is desirable considering that it was not included in Chapter 40A.

IV. Review of final recommendations from the Commission on Energy Infrastructure, Siting and Permitting

CJ H. said that the final recommendations established a 25MW threshold, below which municipalities would retain siting and permitting control for clean energy infrastructure projects. To date, all solar developments in Berkshire County have been below this threshold. However, Berkshire County does have the land for projects that exceed this threshold, and there is likely to be demand for such projects to be developed in the near future.

The recommendations also support establishing an official local review process. This is similar to housing development projects being subject to consolidated review under Chapter 40B. This is not overly objectionable as it still gives local bodies like conservation committees the ability to participate and comment. An outstanding question is whether there would be State funding available to help municipalities implement a consolidated review process, such as there is with 40B projects.

Malcom F. was concerned that the recommendations support appeals made to the ESFB that override local decisions. This agency has limited Berkshire County representation. Kent L. agreed with this concern. CJ H. agreed, but said that the appeals process for 40B projects allows true impacts to be considered. However, there is little to be done until additional details are released.

Kent L. asked how legislation was likely to proceed from these recommendations. Tom M. said that he heard there is a comprehensive energy bill under development and he wouldn't be surprised if the Legislature attempted to pass it quickly before the end of the current session.

Christine R. asked if Senator Mark will be an advocate of BRPC and RIC. Tom M. said that the Senator was being kept informed of RIC's concerns.

Kent L. was pleased to see recommendations stressing outreach to the local community in the FSB process. Every applicant must make a good faith effort to show that outreach. This could be strengthened if applicants had to issue notice to a local point of contact at the beginning of the process.

CJ H. said he is monitoring the energy bills that RIC reviewed at earlier sessions. At the moment, there is little movement on any legislation.

V. Discussion regarding housing to guide regional focus for the upcoming State House listening sessions, including the seasonal communities designation

CJ H. said that BRPC staff will be attending the upcoming listening sessions and encourages attendance by community members. BRPC has several key points regarding the governor's housing vision plan and seasonal communities designation it wants to make known at the listening session.

Tom M. said that the administration is coming up with its so-called first housing plan and is fielding comments from across the state to turn into policy. The listening session is a chance

to make Berkshire County concerns heard. One of the biggest issues with regard to housing in Berkshire County is the age of the housing stock. The housing rehab programs that exist are inadequate and too cumbersome. Additionally, the County needs a greater emphasis on housing retention in addition to the extant emphasis on new housing development.

Andrew G. agreed and said that many housing policies are well-intended but counterproductive. Kent L. agreed.

Christine R. said it would be useful to emphasize the environmental benefits of upgrading the energy efficiency of the existing housing stock.

Tom M. said that at a recent session of the State House in the Berkshires, Senator Cyr gave a presentation on the seasonal communities designation that is being developed in Cape Cod, Nantucket, and Martha's Vineyard. So far, there has been little inclusion of other Massachusetts regions, but Tom M. thinks it is a good framework for Berkshire County. Specifically, Berkshire County could adopt a two-tiered framework that includes both the entire county as well as specific municipalities that meet certain criteria. This makes sense because some municipalities that are not traditionally considered seasonal communities, such as Pittsfield, actually are important to the core seasonal communities insofar as they provide services such as employee housing.

Kent L. said that he wasn't sure that the current proposal could be changed to include a two-tiered framework. However, Berkshire County municipalities that could benefit should be made aware of the framework and input should be solicited from them.

Tom M. said that there seem to be two main criteria for determining if a municipality is a seasonal community: the rate of second home ownership and the number of short-term rentals. Berkshire County has similar rates and numbers as Martha's Vineyard and Cape Cod.

CJ H. said that a designation framework that provides coverage for all of Berkshire County makes the most sense because the benefits and programs provided by such a designation may only be useable in those municipalities that are not traditionally considered seasonal communities. For instance, the municipalities in South County may not have the infrastructure to develop additional housing, while such infrastructure does exist in Pittsfield.

Christine R. asked if BRPC should share the proposal with municipal selectboards. Tom M. said he is unsure of how to proceed as the proposal is vague with respect to how seasonal communities will be designated. There is meant to be a committee established for this purpose, and Senator Cyr may attempt to have legislation adopted as an amendment to the affordable homes act. In any case, Tom M. feels that there is nothing contained in the proposal that would be harmful to Berkshire County municipalities.

Tom M. said he would like to see more of an emphasis put on programs to expand public transit within seasonal communities. One of the big issues seasonal economy workers face in Berkshire County is difficulty commuting to seasonal communities without a vehicle. Another useful addition would be grant programs that incentivize municipalities to extend water and sewer infrastructure for the purpose of creating worker housing.

Sheila I. said that one of Berkshire County's differentiating factors is that it has "expansion joints" insofar as there are lower cost-of-living municipalities adjacent to the more expensive seasonal communities. This is something that regions like Cape Cod and Nantucket do not have. Andrew G. agreed and said that Berkshire County differs further from the seasonal communities in the Southeast due to the legacy mill town infrastructure.

Perhaps Berkshire County should seek its own legislative designation that is more specifically tailored to its circumstances and problems.

Kent L. recommended that BRPC staff evaluate the proposed criteria and see which Berkshire County municipalities fit into them. It is important to tweak the criteria now before they are set to ensure maximum coverage of municipalities. The tools and programs provided by the designation can be adjusted at a later date.

Tom M. said that he was going to participate in a phone call later in the week with other Berkshire County housing advocates and would speak to them about the designation. The Western Massachusetts Selectboard's meeting in Northampton on April 27 is also a good venue to discuss the designation. CJ H. said that the 5th Thursday meeting on May 30 would be focusing on micro-transit.

VI. Discussion related to the creation of a BRPC Legislative Affairs Committee

Tom M. said that BRPC is attempting to develop a more focused capacity to deal with legislation, and at the last Executive Committee meeting the topic of a new Legislative Affairs Committee was discussed. Up to this point, RIC has acted in this respect to a certain degree, but it hasn't been as focused as is ideal. There are many options for how this new committee could be set up – RIC could evolve into this new committee, the new committee could be a subcommittee of RIC, or it could be an entirely new committee.

Christine R. said that while RIC has done good work on legislation – specifically that which concerns energy infrastructure and land use – legislative items can make agendas tight. Furthermore, there are often legislative issues that RIC doesn't have the time or energy to address, such as budgets. A new committee established as a subcommittee of RIC could include RIC members as well as new members. It could also involve affiliated people and groups that could participate when the committee discusses items pertinent to them. This could help better involve municipalities that are not represented on the Executive Committee. This subcommittee could serve as the point-of-contact with Berkshire County's legislators, similar to how RIC has involved Senator Mark and his staff in several discussions. Christine R. also said that notes, comments, and letters from the people and organizations that will be affected by legislation carry a lot of weight in the State house. The subcommittee could thus help with community outreach and solicit such responses to legislation.

Kyle H. expressed that Berkshire County municipalities have differing priorities and has concern in speaking for the entire region.

Sheila I. said it would be good for a committee to have ongoing relationships with Berkshire County's legislators.

Tom M. said that other regional planning agencies have such a committee. It might be appropriate to limit RIC's focus to land use issues, which was its original purpose.

Kent L. said that a more broadly-based legislative affairs committee should try to draw in the perspectives of Berkshire County selectboards and town managers, as there is no Berkshire County Council of Governments to do so. He also said that organizing the committee as a subcommittee of RIC would be difficult as RIC only has a few members and selecting a subset of these would mean losing representation. Another difficulty is that the committee would need legal and legislative expertise beyond what BRPC staff can provide.

Christine R. said it would be good if BRPC could bring on a staff person that focuses on legislative affairs. Tom M. said he was not optimistic about there being funding for such a hire.

Kent L. said that a legislative affairs committee should start by looking at those issues that are related but slightly outside of BRPC's traditional areas of focus, like economic development.

Malcom F. agreed with Kent L. and said that the committee could start with referring legislation to municipalities instead of responding to it. Additionally, there are some regional budget issues such as DLTA and transportation funding that such a committee would be well-suited to address.

Kent L. suggested that a legislative affairs committee partner with the Berkshire County Town Administrators group.

CJ H. said that a good first step would be to establish more permanent lines of communication with Berkshire County's legislators and establish relationships with the legislators' staff.

Andrew G. said that such a committee is a natural outgrowth of the work RIC does.

Tom M. said that this committee will develop slowly. It is too late to do something for the current legislative session, but recruitment discussions can start now. BRPC staff will work on it with the goal of having some action-oriented items ready for the fall. At some point, it will be brought before the full Commission for approval.

VII. Next Committee Meeting Date – May 22, 2024, 3:30 p.m.

CJ H. said he expects some legislative progress with bills moving forward by the next meeting. These may be topics of discussion.

VIII. Adjournment

Christine R. made a motion to adjourn the meeting. Kent L. seconded the motion. This motion passed unanimously. The meeting adjourned at 4:56 p.m.