



BRPC

Berkshire Regional Planning Commission

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REGIONAL ISSUES COMMITTEE – Meeting Minutes

Wednesday, May 22, 2024, 3:30 p.m.

via Zoom

Committee Members Present

Malcom Fick, BRPC Chair, ex-officio; Alternate from Great Barrington
Andrew Groff, Williamstown (non-Commission member)
Sheila Irvin, Delegate from Pittsfield
Kent Lew, Washington (non-Commission member)
Christine Rasmussen, Alternate from Stockbridge, RIC Chair

Committee Members Not Present

Kyle Hanlon, Delegate from North Adams
Eleanor Tillinghast, Mount Washington (non-Commission member)

BPRC Staff Present

CJ Hoss, Community Planning Program Manager
Tom Matuszko, Executive Director
Bret Roberts, Senior Planner

I. Call to Order

The meeting was called to order at 3:34 pm by Christine R. Roll call was taken and the meeting was recorded.

II. Approval of April 24, 2024 Meeting Minutes

Kent L. proposed two corrections. Andrew Groff is referenced throughout the minutes, but his name is missing from the “Committee Members Present” heading. At the top of page 4, Christine R.’s name is missing a “t”. Christine R. made a motion to accept the corrections and approve the minutes. Kent L. seconded the motion. The motion passed unanimously.

III. Review of Affordable Homes Act and Priorities

CJ H. said that in anticipation of this meeting, BRPC sent the Regional Issues Committee (RIC) members a primer on the Affordable Homes Act (the Act) and two letters that were submitted on behalf of the Western Mass Housing Coalition and the Rural Policy Advisory Commission. BRPC is interested in hearing comments on the Act and on the letters in order to shape future comments.

Tom M. said that there is likely to be legislative action on the Act very soon. It has already moved through various legislative committees without any changes, which is very unusual. It is now being considered by leadership, and this is where changes are likely to be made. Two key policy issues of concern are the transfer fee tax and the accessory dwelling units (ADUs) by right provisions.

Tom M. said that BRPC supports an opt-in transfer free for affordable housing. BRPC also believes that ADU by right should be adopted. BRPC does not support the inclusion of the seasonal communities designation in the Act. BRPC has expressed these priorities through

letters submitted by the Western Mass Housing Coalition, the Rural Policy Advisory Commission, 1Berkshire, and Berkshire Housing.

Christine R. asked Tom M. if the ADU by right provision would be opt-in. Tom M. said it is proposed as mandatory.

Kent L. asked how the proposed ADU by right provision would affect municipalities that already have ADU bylaws. Washington has a large variety of properties, including many nonconforming preexisting properties, and has thus tailored its ADU bylaw appropriately. It is likely that many other municipalities have similar idiosyncratic issues, and it would be best if the Act's ADU by right provision allowed municipalities to retain some local control.

CJ H. agreed and said that although there is wide interest in ADU by right, there are many situations in which municipalities want to retain the ability to require a special permit. He would support a provision that gives municipalities the option to require a special permit.

Malcom F. said that Great Barrington allows ADU by right, but nonconforming properties require a special permit. Another issue that may differ from municipality to municipality is the limit on the square footage of an ADU.

Tom M. said that the provision proposed in the Act allows municipalities to retain certain "reasonable regulations" such as provisions like site plan and setback requirements. However, ADUs must be allowed if the properties meet these provisions. Municipalities cannot require a discretionary permit.

CJ H. said it would be useful to get more clarity on what encompasses "reasonable regulations".

Kent L. asked if the transfer tax opt-in would require a supermajority or just a simple majority at town meeting. Tom M. said it would require a simple majority.

CJ H. said that even though the removal of regulatory barriers to ADUs is positive, the cost of constructing them and the difficulty of securing financing still remain major barriers.

Tom M. said that BRPC will include in its comments that there should be a program to help homeowners afford and finance ADUs.

Christine R. said she has an interest in making ADUs available to elderly people and people who live with disabilities and handicapping conditions. Often, such people cannot stay in their homes due to physical limitations but are not ready to live in a nursing home or retirement community. Having the option and capacity to build an ADU to house a family member or caretaker can provide a bridge to such people.

Kent L. said that in a small hill town like Washington, there isn't likely to be a lot of housing growth, and the focus should instead be on revitalizing older housing stock and bringing it to market. The ability for older homeowners to afford and construct ADUs could help with this. Additionally, a program that offers grants or subsidies for housing stock rehabilitation – especially for septic systems – would help in retaining existing housing stock and bringing it to market.

Tom M. suggested that RIC members reach out to their legislators as soon as possible if they have any additional comments they want to be heard.

IV. Input on Statewide Housing Plan

CJ H. introduced Bret Roberts to RIC.

Tom M. asked what RIC wants in the Statewide Housing Plan (the Plan) from the Berkshires' perspective. He thinks that the Berkshires need housing, dramatically and instantly, but not at the expense of destroying local communities.

Andrew G. said that housing utilities development, especially municipal sewer and water, should be focused in the already-dense areas of Berkshire County municipalities, and that an emphasis should be placed on infill development. The Plan should include financing for this sort of development.

Christine R. asked how additional housing development and population growth would affect school funding.

Andrew G. said that school enrollment is falling across Berkshire County and the priority should be to bring in new families.

Kent L. said that regional school district models can create tensions and funding mismatches due to the way funding is divided among municipalities.

Shelia I. said that some places like Pittsfield have a legacy of redlining that historically prevented people from investing in their homes. Therefore, there needs to be a justice consideration in the Plan. Additionally, places like Pittsfield currently see housing development for very poor people and wealthy people, but not much for middle-income people. There needs to be state and federal assistance for this sort of development.

Andrew G. said there are provisions in the coming building code that are going to make housing more expensive. For instance, changes to the plumbing code may require all drain lines to be replaced if some simple work is done. BPRC and RIC should exert pressure on legislators and the administration to review these codes and think about how such issues affect housing cost and supply.

Kent L. agreed and said there is a disconnect between energy efficiency priorities and how they take form in regulations and requirements. They often are at odds with the desire to increase housing stock and bring housing prices down.

Andrew G. said that impractical, expensive building, wiring, and plumbing codes are going to incentivize homeowners to do illegal work on their homes.

Tom M. said there needs to be better alignment between building code, fire code, board of health regulations, etc. All of these contribute to housing supply, and they seem to be pulling in different directions at times.

Malcom F. asked if the Plan still needs to be turned into legislation.

Tom M. said that the Plan is the framework for the administration to pursue future legislation and budgetary items. BRPC and Berkshire County municipalities should try to get their priorities included in the Plan, because it will be difficult to get them included in legislation after the Plan is finalized.

Tom M. listed items to include in comments in the Plan:

- Program to advance senior housing development in communities
- Financial assistance for ADU adaption, possibly specifically for elderly homeowners
- Expansion and upgrading of municipal water and sewer for infill development and to encourage greater density

- A new receivership program with less onerous requirements for existing housing stock rehabilitation and retention

V. Update on Municipal Sustainability Discussions

CJ H. said that last year BRPC received a grant for strengthening the ranks on local governments. Some of the funding was set aside to help communities hire a staff person to create some depth. Other funding was set aside to provide training.

Tom M. said that the grant funds were originally meant to hire an assistant town manager. However, there was no interest from the municipalities. The funds are now being used to help the Town of Lee hire their first town planner. This role will also include some of the tasks of an assistant town manager. The funds have also been used to subsidize several people to attend Suffolk Law School's MMA certification program.

VI. Future Discussion Topics

Christine R. said that there was an editorial in the *Berkshire Eagle* regarding the Affordable Housing Act. She asked if BRPC and RIC should be engaging more with local media, both on this issue and others, in order to help shape opinions and build constituencies.

Tom M. asked Christine R. if she received responses to the editorial she published in the *Berkshire Eagle* several months ago.

Christine R. said that several people had reached out and thanked her for making them aware of the issue.

Tom M. suggested that RIC could engage with local media regarding the seasonal communities designation once a state committee is established.

Kent L. agreed and said that outreach through local media could highlight the overlap between the Cape/Islands and Berkshire County and how they share issues reflected in the seasonal communities designation.

Tom M. said that BRPC will discuss the possibility of a legislative affairs committee at the upcoming Commission Development Committee Meeting.

VII. Next Committee Meeting Date – June 26, 2024, 3:30 pm

VIII. Adjournment

Christine R. made a motion to adjourn the meeting. Kent L. seconded the motion. This motion passed unanimously. The meeting adjourned at 4:50 pm.