



BRPC

Berkshire Regional Planning Commission

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REGIONAL ISSUES COMMITTEE –DRAFT** Meeting Minutes**

Wednesday, February 5, 2025, 3:30 p.m.

via Zoom

Committee Members Present

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

Committee Members Not Present

Kyle Hanlon, Delegate from North Adams
Sheila Irvin, Delegate from Pittsfield

BPRC Staff Present

CJ Hoss, Community Planning and Development Program Manager
Thomas Matuszko, Executive Director

1. Call to Order

Christine R. called the meeting to order at 3:38 p.m. and read the Open Meeting Law and BRPC posting method statements. Roll call was taken and the meeting was recorded.

2. Approval October 23, 2024 Minutes

Kent L. moved to accept the **October 23**, 2024, minutes. Eleanor T. seconded the motion. In favor: Kent, Christine, Eleanor. Andrew abstained. The motion to accept passed 3-0.

3. Update on Accessory Dwelling Unit (ADU) Regulations

The letter submitted on behalf of BRPC with concerns about the proposed ADU regulations is in the material materials. As of January 31, the regulations are final. Two areas are clearer.

1. A communities' authority in the use of ADU's as short term rentals is more explicitly stated. 2. Language related to public transit stops and parking requirements is clarified. It is permissible for Communities to be more liberal and reduce the amount of parking available.

CJ's understanding is that a municipality does not have to allow more than one ADU on a property.

Eleanor asked about towns that already have more restrictive ADU regulations or bylaws. If it meets the definition of a protected use ADU, then a more restrictive bylaw should be overridden. Could there be requests for removal of previous restrictions or retroactive approvals? CJ noted that this issue was raised in BRPC'S comment letter: concern that if an ADU was allowed a second ADU would be allowed "by right." His understanding is that if an ADU was allowed via a special permit that would not have been approved if there was a pre-existing ADU, you will not be required to permit the 2nd ADU. It was not addressed in the final regulations. His interpretation is that if there is already one ADU, that nullifies the need for protected use ADU.

A community with an Accessory Dwelling bylaw that allows up to 1200 square feet. The new regulations say 900 sq ft or half the size of the primary dwelling is by right. A municipality's bylaws may allow larger or multiple ADUs via by right or a special permit.

How does this tie into the Seasonal Community designation? Tom said it isn't clear if the original eight communities have to vote to opt in. Mount Washington is putting it on the town warrant.

It was clarified that the new regulations only apply to properties with pre-existing structures.

For additional information, the state has an ADU Coordinator who was present at the November Commission meeting but was not able to give advice. Tom thinks issues may need to be adjudicated. It will be seen if there are a lot of requests for by right ADUs from building inspectors. BRPC is offering technical assistance to communities to review their bylaws. It was suggested to further the discussion in a different meeting.

Malcolm asked if modular dwelling units include tiny homes and trailers. CJ is not sure yet. Andrew shared that in Williamstown, you cannot put a mobile home as an ADU, only in a mobile home park. Great Barrington allows tiny homes as ADUs but not mobile homes.

4. Review and Discussion of Rural Policy Advisory Commission Legislative Priorities

The 2025 legislative agenda and FY2026 budget both impact BRPC.

Tom said the Rural Policy Advisory Commission (RPAC) has learned it is futile to create legislation and more effective to support existing legislation. They will identify those pieces of legislation.

Tom will confirm if there is an effort to file open meeting law legislation outside of the Governor's budget.

Christine recommended access to health care and pension costs as important issues for the RPAC to consider.

Tom noted that the Auditor's report on the Chapter 90 funding acknowledges the funding issues and the Governor's budget has \$100,000,000 directed by road mileage.

Clean energy siting and production guidance and regulations will need to be closely watched.

Rural schools and enrollment decline. Vermont is ahead of Massachusetts on this. The governor has proposed five school districts for the whole state.

5. Discussion of potential areas of focus for the upcoming legislative cycle

CJ H. referenced the Rural Policy Advisory Commission's priorities that were circulated to the group. A topic for the next meeting could be focusing on those priorities and the agency's priorities for the next legislative term. Christine R. said that budget priorities should be circulated to the delegation as we approach budgeting for the next fiscal year.

Christine R. also referenced the upcoming election includes a new representative for the 3rd Berkshire District and having a discussion with that person regarding regional priorities. Kent L. offered an invite should be made to the entire delegation. Tom M. stated there has been greater success in getting attendance from the delegation when the ask is made around a specific topic area. Christine R. and Tom M. both discussed setting some priorities before making an invitation.

Tom M. mentioned that another item that requires some immediate action is related to virtual meeting components that expire at the end of March 2025.

6. Next Committee Meeting Date

The Committee agreed on a tentative next meeting date of Wednesday, March 26, 2025 at 3:30 p.m.

7. Adjournment

Christine R. made a motion to adjourn. Eleanor T. seconded to the motion. The motion passed 4-0. The meeting adjourned at 4.46 p.m.