

Planning Board Minutes
January 3, 2017

Present: Chairman Pitney, Member Fletcher, Member Pearce, Member Raftery, Member Cardillo, Member Carmichael. Absent: Member Talbot. Also signed in at the meeting were: Jorja Marsden, Dennis O'Brien, Susie & Stuart Hirshfield, Rogalie & Craig Berger, Barney & Julie Edmonds, Bruce & Joan Cohen, Anita & Hank Schwerner, Ron & Cindy Brouker, Jeremy & Hana Kenny, Jim Youngerman, Maureen O'Flynn, Claude Corbeil, Denny Alsop, Nina Ryan, Gail Gurrett, Steve Shatz, Patrick Sheehan, Sue Gulbranson, Robert T. Akroyd, William Martin, Ellen Laher, Lenore Sunsky, Wendy O'Neil, Terry Flynn, Alan Hyman, Charles & Barbara Kenny, Christopher Owen, Alexandra Glover and many others who did not sign in.

Chairman Pitney called the meeting to order the only item on the agenda was to review the proposed amendments to the Cottage Era Estate Bylaws. The Clerk, Jennifer Carmichael read the notice that was published in the paper. Selectman Steve Schatz discussed the proposed amendments to the Cottage Era Estate Bylaws. Last winter these amendments were made to address some of the concerns brought up during the special permit application for Elm Court. A draft of the bylaw changes were presented to the Planning Board on an informal basis with one minor change which is the special permit granting authority instead of Board of Selectmen being the body that is responsible for granting or not granting special permits under this particular bylaw. The special permit granting authority remains the Board of Selectmen. In the bylaw it continues to refer to the Board of Selectmen over and over again. It was unnecessary to have that mentioned over and over in the body of the bylaw as at the beginning it states the Board of Selectmen is the special permit granting authority and the amendment does not change their authority. The changes to the amendments were made because of many phone calls received regarding another property that had a lot of machinery which appeared to be preparing to move earth and was thought to be under this bylaw and was not under it being in an R-1 zoned area. There are only three in Stockbridge in the R-2 or R-4 zone these are Elm Court, Eden Hill and the old Desisto School property. The first change is in the definition of Cottage Era Estate; added was: the acreage is to be determined by topographical survey this would help determine where the grades were and the perimeter survey showing where unbuildable property was which consists of areas in conservation restrictions, scenic mountains, national heritage, wetlands, areas subject to the controls of the Conservation Commission, or DEP under Massachusetts statues. It would identify areas of 15% slope or greater, the concept of excluding unbuildable areas is already in the subdivision control laws governed by the Planning Board. Section 6.3.1.2 clarifies the ability of the Town to use outside consultants and charge costs back to the applicant. Section 6.6.2 additions include two family and multi-family dwellings to be included. Hotel food services and amenities provided would be for guests of the hotel only. A definition of guest was requested and noted. Section 6.6.3.b special permit application materials now ask for a detailed narrative of the proposed uses. Site plan changes are designed to show wetland areas, jurisdictional areas, flood plains, unbuildable areas, Conservation areas and easements. Location of all drainage facilities tied in part to the storm-water management bylaw to insure for certain storm levels that there is 100 percent retention of storm water. A traffic study to be done is now included in the amendment. Lastly inclusionary housing is added; 10% set aside for affordable housing (not public housing) is to be integrated into the project and not set off apart. This

housing can be put on an alternative site or if there is no land to build this housing on then moneys would be deposited to a fund with the Town to be used for the creation of affordable housing elsewhere in the Town. The bylaw was created to preserve the Cottage Era Estate structures and expanding the uses at those sites was a way to provide economic underpinning for the redevelopment of the preservation of these properties. Section 6.6.2 (I, II, III, IV) the changes in dimensions has the computation using the first floor dimension only; it addresses the height of the building. Cluster housing can occur provided green space is allocated so if each lot is 4 acres and there are 10 houses then 40 acres is use for housing and green space.

Christopher Owen: 6.6.3- iii would like all the drawings presented be in the same scale. Denny Alsop: in the definition of Cottage Era Estate the word contiguous was been removed and he would like to have it put back. Stuart Hirshfield: objects to the amendments to the bylaws they may have a negative effect on his property and quality of life and would like this meeting continued and asked for the amendments to be denied. He read a letter he and his wife wrote he would like to see the mansion demolished there is no benefit to the public. Charles Kenny: feels the amendments are dangerous to the community and asked the Board to reject the amendments. Craig Berger: suggested along with traffic studies to also include light and noise pollution (there is a noise ordinance in the bylaws but it has never been enforced) and add lake use guidelines. Alan Hyman: felt the amendments would have dire consequences for his property and children and does not understand why the amendments were made and would like the Planning Board to delay or deny the amendments to the bylaws so citizens can seek council. Alexandra Glover: representing Victoria Sujata; mentioned the dwelling issue of cluster housing for two and multi-family dwellings and asked how the subdivision law would interact with the individual dwelling units. Section 6.6.2.b-IV talks about building on a single lot with no new lot lines and without subdividing can these changes lead to the creation of smaller lots. Steve felt if internal lot lines are created, the bylaw as it exists and or the amendments to the bylaw is not designed to take away the authority of the Planning Board under the subdivision control law. Alex asked under the Cottage Era Estates bylaw could the properties be subdivided and deeded out separately. Steve said not under the Cottage Era Estates bylaw; the special permit cannot create lot lines. Steve felt that these are not developer friendly amendments. Alex asked if she could send in suggestions. Steve felt any suggestions on the amendments to the bylaw would be welcome. Anita Schwerner: Section 6.6.3 (II) the building footprint should not be omitted. Member Fletcher asked Steve regarding affordable housing what zoning bylaws would govern the affordable housing proponent and what is the permitting process for affordable housing. Steve explained it was not a 40-B special permit, the housing is the type and style of the housing, the configuration, lot lines, area dimension requirements etc. All that remains subject to the zoning bylaws. The owner can purchase housing as a function of their income but it does not change the zoning bylaws. Member Pearce sees nothing to stop someone from reducing an 80 acre Cottage Era Estate to a smaller parcel and the reference to the lot size in 2002 is not there now only the building size. She also asked about the logic behind only guests being allowed to use the restaurant and amenities this would preclude towns people from using the facilities. Steve explained that argument was brought up during the Elm Court permit and limiting uses to guests was more acceptable to most then having to do traffic studies for the increase in traffic etc.

Steve reiterated that this is not an attempt to prevent the Board of Selectmen from operating as the special permit granting authority. If one goes to Section 4.10 it clearly says that SPS means Special Permit Selectmen.

Chairman Pitney asked the Board to make a motion Member Fletcher felt there was a lot of good discussion she did not feel ready to have a vote on the bylaw, there are very few projects that this bylaw applies to and she cannot separate them, she would like to continue the public hearing. She would benefit greatly from a site visit to the property; she does not see how it can be separated out. Chairman Pitney explained that we are discussing the changes to the bylaw for the Cottage Era Estates not the old Desisto School property. Member Pearce asked not to close the public hearing and requested that Selectman Schatz and Town Council take away and consider the comments made tonight and come back with new amendments. Member Raftery felt she was not ready to vote and would also like to continue the public hearing; Member Cardillo and Member Carmichael felt they also needed more information.

Bill Martin attorney in Pittsfield represented Patrick Sheehan the property owner of a Cottage Era Estate commented that the bylaw amendment will affect his client's property. He agreed that it is not ready for a decision tonight and possibly not in the next several weeks. Their goal was to best understand the Town's goals. They looked at the existing bylaw which creates a balance between the concept of adaptive reuse of the building in a manner which is consistent with the history of the building and a useful purpose of the property. That balance usually involves a resort or a condominium type project. This property will probably never be used as a single family home again. They are now looking at balancing the bylaw verses an economically viable development and being sensitive to the community's interests. What are the community's priorities and interests: (1)- keep everything the same and do not change anything- not practical. (2) look at the amendments, decide if the Town wants to engage in a tourist economy and help promote it. The project has no public access, the bylaw amendment seems to be contrary to a specific project. Looking at goals you want a project that engages and invites the community to the property, allows employment and a connection to the community. Then to include that the community is barred from the project and any amenities can be used only by guests does not make sense. The amendment to the bylaw wants 10% to go towards affordable housing and 10% of the cost to go to a fund for affordable housing; he would like to see the word or instead of and used. He felt the bylaw did not address the Community Preservation Act.

Chairman Pitney interjected that anyone could send the Planning Board a list of priorities and their concerns. Bill Martin would also like to work through Town Council in drafting some of the amendments. Terry Flynn: having a Cottage Era Estate bylaw may not be necessary, times have changed and we may want to repeal that bylaw. Member Cardillo said the Board will review any correspondence that is received. Chairman Pitney asked for a motion. Member Fletcher moved to continue the public hearing it was decided to continue February 7th the vote was: Chairman Pitney – Yes, Member Fletcher –Yes, Member Pearce - Yes, Member Raftery – Yes, Member Cardillo – Yes, Member Carmichael – Yes, the motion carried.

Respectfully submitted by,
Jennifer Carmichael, Secretary