

Planning Board Minutes
February 7, 2017

Present: Chairman Pitney, Member Fletcher, Member Talbot, Member Pearce, Member Raftery, Member Cardillo, Member Carmichael. Also, signed in at the meeting were: Sid Smithers, Joshua Peyron, Susie & Stuart Hirshfield, Bruce & Joan Cohen, Anita & Hank Schwerner, Denny Alsop, Nina Ryan, Jane Ryan, Patrick Sheehan, Robert T. Akroyd, William Martin, Tony Guthrie, Paul Underwerie, Robert Harrison, Terry Flynn, Allen Hyman, Valerie Hyman, Clarence Fantos, Robert Tublitz, Craig & Rosalie Berger, Kathleen McCormick, Jacqueline & Jim Mann, Shirley Time, Charles & Barbara Kenny, Michael Pelle, Ray Drumm, Alexandra Glover, Richard Dohoney, Christine Rasmussen, Richard Jackson, Anne Rabinowitz, John Hart, Shirley Blanchard, Steve Blaucharg, David Rosenthal, Ellen Lahr, Clinte Adverier. and many others who did not sign in.

Chairman Pitney called the meeting to order for the continuation of the public hearing of the proposed amendments to the Cottage Era Estate Bylaw.

Attorney William Martin: he made appropriate changes to the proposed amendments to the Cottage Era Estate bylaw with comments and had spoken to Town Council. His clients do not have a set time frame and want to get the bylaws right; this process needs to be a collaborative process, people should feel that they have had the time to give their input and to have time to address his clients' own ideas. Fundamental principles: the general public should be able to access the property; important is the flexibility to using the hotel/condo concept; important is to allow clustering and density in such a way that the property can be developed, the way the bylaw was redrafted it designated where the housing should be; to allow single or two family homes as well as multifamily homes in the cluster designated areas to preserve open spaces and especially making a buffer between the neighbors around the development. Density for hotel/resort use is different from residential use they designated an area for the resort use and another for the residential use. The building, that will be the resort, in the bylaw has to be a certain distance from the original structure, to have connecting enclosed walkways where people can walk from the mansion to other buildings is desired. The changes dealt with the 70% rule, their view would be to use 80 acres for the estate bylaw part and the rest of the acreage being permitted in the zoning district which is in either R-2 or R-4. It would be productive to have a working meeting to go through the bylaws line by line and make sure the language used accomplishes what it is meant to. The property represents an opportunity for the Town to have some economic well-being.

Attorney Dohoney: dissatisfaction as to how the amendments to the bylaw were presented to the Planning Board and never voted on by the Selectmen to do this; procedures were not correctly followed. He submitted minutes from the Town Meeting of May 2013 where article 26 had two amendments which were passed but not included in the amended bylaw. He felt the amendments were drafted to cater to the old Desisto School. Referenced frontage requirements precludes the Desisto property, the zoning requires frontage of 75% to be on the dominant parcel, the way the property is configured the frontage would only be 73.1%. He asked the Board to reject the ordinance and do it the right way.

Chairman Pitney heard from Town Council regarding Section 5 procedural steps leading up to the publication of a notice of hearing of directory and no one is prejudice by any lack of strict compliance and we are fine to go forward with the hearing and as far as the clerical error for the Cottage Era Estates that was corrected and copies are corrected and the Town web site has been corrected.

Alex Glover, represented Victoria Sujata. Agreed with much of what Attorney Dohoney mentioned. What was passed in 2013 did not end up in the bylaw that was on the web site; what is relevant is in Section 6.6.3 of the Cottage Era Estate bylaw any special permit pursuant to this section may authorize an addition to the principal structure ... what was omitted was, the principal structure located entirely within the R-4 district. These amendments were made on bylaws that were passed but never updated into the bylaw. Would like this process stopped and returned to the Board of Selectmen with a recommendation of no action at the Town Meeting; agreeing that a committee would be a good idea to work on the amendments to the bylaws. Attorney Glover submitted her comments on the bylaw. Reform to the bylaw, thoughtful changes that came out of the Elm Court hearing, there are some changes in the proposed amendments that are good; the idea to not allow public to access amenities, clustering if done correctly is better for abutters, the level of detail concerning the project, the structure, plans and land survey are much greater than they were. Other concerns: "contiguous" should be put back in. In the proposed amendment; Section 6.6.2, now states the property can have two family and multifamily dwellings on it, before it stated single family dwellings could be on the property. It would be helpful if the bylaw specifies where these dwellings can be built, what the specific setbacks are. Did not understand "if no new lot lines being created", there is nothing that explains how a new lot line is created. Suggested that there be an addition that no more dwellings be permitted under this bylaw than would be allowed under a conventional subdivision in the Town of Stockbridge. Amendments should have something in the bylaws that protect abutters from the structures; if trees are cut there should be setbacks for the clearing of the trees to protect abutters. Limited building with only a certain percent lot coverage used for structures. Affordable unit is not defined. Provision to build on 2 acres lots, would that include building in the R-4 zone per dwelling unit; recommend no action or slow the process down, go line by line.

Member Fletcher commented that there was a lot of new information provided, new information had been provided even that day, keeping up with the various updates/changes was challenging and she still had unanswered questions about the bylaw wording and definitions. She expressed concern with the process for introduction of the proposed bylaw change which was designed more to drive the ball as opposed to taking a more collaborative approach. She expressed reservations about introducing bylaw changes that were apparently so unpopular with neighbors and suggested taking things back a step to the town level, reviewing all our zoning bylaws and working in a way that brings more input to the discussion.

Member Raftery was not sure where to improve the amendments without more discussion with the new information, different input. Member Cardillo felt the process is working we are holding public meetings and we have heard from many citizens and the developer, with good suggestions, we do not need to rush to get it to Town Meeting. Member Pearce, procedurally, it feels rushed, once we close the hearing we have to make a recommendation within 21 days. Mass Law has allowed changes to zoning bylaws last year in November; we need to look at that

and look at our bylaws which are quite old. She would like to see the Board or a committee look at zoning in the whole Town and not take single areas one at a time to change the zoning. Needs to be in the overall frame work of our vision of what the Town is and be consistent throughout, the decisions we make are not for just the next 5 or 10 years but will affect life in Stockbridge of those who are not even here yet and some of us won't be here. The vagueness of all the bylaws need to be removed so one knows what they can or can't do. To move forward on this segment of the zoning does not feel like the right thing to do for the Town; we do need to move forward possibly with a committee or a series of committees to start looking at zoning for the whole Town. She would like to pause with the proposed amendments and figure out our priorities the Cottage Era may not be first priority. Member Talbot questioned whether we should have a bylaw regarding the Cottage Era, open it up to a wider discussion. Member Fletcher thought possibly a developers' bylaw could be looked in to. Chairman Pitney asked for any more comments.

Attorney Martin: unusual that the developer and residents feel rushed, does not want to find himself defending a procedural defect, he would like the Planning Board to ask the Selectmen to look at changes to the Cottage Era Estate bylaw and start again. There is not enough time to do this right and get this through before the Town Meeting. Would like Planning Board to go to Town Meeting with an article that says we want to constitute a bylaw review committee; to fund it with an appropriate amount of money so it can have planning staff or counsel, set an agenda and a timeline to have a broad meaningful discussion with all things including whether there should be a specific bylaw or not, what should be in that bylaw, how it's going to be applied, how it's going to be applied to this property or if the Marian Fathers go away or the Elm Court project does not occur, that's not something that legitimately can happen with the time frame you have left. He would like to see a meaningful thoughtful process that his clients can participate in.

Stuart Hirshfield submitted a statement and suggested not having a Cottage Era bylaw, what is being protected; felt any estate with 80 acres in a residential zone would have to get a variance for a business. Would like this amendment to be looked at in its entirety and protect neighbors. Bob Tublitz submitted papers and spoke about what is not in the amendments, a fiscal impact analysis, need better definitions, how to handle environmental impacts.

Joan Cohen look at what the town needs; we are all abutters and all want nothing to happen to the property next door, abutters may not always get what they want. The Town of Stockbridge cannot stand still in its tracks now or 15 years from now. The housing market here is weak, if we let open spaces be divided into cottage era and housing, why build 20 houses on the Desisto property you cannot sell; property on the lake is the only property selling. Think about the advantages of commercial development in Stockbridge, reasonable development, it should be thoroughly discussed, compromised and modified to be good for Stockbridge, all of Stockbridge. It is great that we have all been able to say our peace and have our lawyers. What is good for the Town will be expanding our tax base and we need it, all the bridges are crumbling.

Allen Hyman the amendments are to save the mansion but it is in shambles, to preserve that building and its landscape to be in the center of Stockbridge but do we really want to preserve the building it is not architecturally important.

Richard Jackson: confused by the three different bylaw amendments wanted to know what version he was looking at; Cottage Era bylaw is worth getting right.

Denny Alsop: at one time the town was concerned with open space around these estates and towns benefited from the open space and keeping it. We are in a different environment and the great estates present a new challenge. He still does not see contiguous in the proposed amendments it is an important point and what it points to is that this process is not working.

Michael Nathan: the closer you are to a project you see it in different ways, a 15-year project where the neighbors would have to listen to the noise of construction.

John Hart: amendments come up when a major project comes up, and three lawyers got up and spoke about the specific property and others who come up to talk about Desisto can't.

Anita Schwerner found the bylaws confusing because there are several, Member Fletcher explained what are on the website and why at this point all the comments have not been added; we are still in the public hearing.

Terry Flynn agrees with what the Board members are saying and having a committee that incorporates people from several boards and or citizens to work on zoning changes.

Member Fletcher moved to close the public hearing and Member Pearce seconded and the vote was: Chairman Pitney – Yes, Member Fletcher – Yes, Member Talbot – Yes, Member Raftery – Yes, Member Cardillo – Yes, Member Pearce – Yes, Member Carmichael – Yes, the motion carried.

Member Fletcher made a motion that the Town Meeting take no action on the proposed amendments to the bylaws that we have before us tonight. Member Pearce asked to amend the motion: wording, a recommendation to the Selectmen that it is not put before the Town and Member Talbot seconded.

Member Pitney asked if there were any comments regarding the motion made. Member Cardillo asked about the implications of the motion. Chairman Pitney explained that we would forward our recommendation to the Select Board that the existing amendments as proposed not be taken to Town Meeting.

Member Pearce motioned for a recommendation from the Planning Board to the Selectmen, that no action be taken on the proposed amendments to the Cottage Era Estate bylaw and that they are not presented at the Town Meeting at this time and Member Talbot seconded; the vote was: Chairman Pitney – Yes, Member Fletcher – Yes, Member Talbot – Yes, Member Raftery – Yes, Member Cardillo – Yes, Member Pearce – Yes, Member Carmichael – Yes, the motion carried.

Member Pearce motioned to recommend to the Selectmen that a committee be developed, no second

Member Fletcher asked to meet with the Selectmen and discuss forming a committee, Member Fletcher will find a date to have a discussion with the Selectmen.

Chairman Pitney asked for a motion to adjourn and Member Pearce motioned to adjourn and the vote was: Chairman Pitney – Yes, Member Fletcher – Yes, Member Talbot – Yes, Member Pearce – Yes, Member Raftery – Yes, Member Cardillo – Yes, Member Carmichael – Yes, the motion carried.

Respectfully submitted by,

Jennifer Carmichael, Secretary