

Minutes of the Town of Stockbridge Ad-Hoc Zoning Bylaw Review Committee

Date of Meeting: February 17th, 2018 10:00 a.m.

Committee Attendees: Kate Fletcher (co-chair, Planning Board), Ruth Pearce (co-chair, Planning Board), John Hart (Conservation Committee), Gary Pitney (alternate, Zoning Board of Appeals)
Apologies: Jim Murray (Zoning Board of Appeals), Carl Sprague (Historic Preservation Committee)

Audience: Josh Peyron, Anita Schwerner, Doug Collins, Denny Alsop, Sean Ferry, Clarence Fanto, Charles Kenny, Barbara Kenny, Stuart Hirshfield, Hank Schwerner, Marie and Keith Raftery, Joel Williams

Welcome: Kate Fletcher welcomed the committee members and the audience to this meeting of the ad-hoc committee.

Minutes of previous meeting: First item on the agenda was the minutes of the December 11th, 2017 meeting. The minutes were approved unanimously. Ruth will ask Danielle to put the minutes on the town site.

Follow up on actions items:

Fast Food Restaurant: Jim provided some feedback having looked at other towns such as Lenox. The committee will review this at a later date.

Family definition: Ruth has still to follow up on this.

Feedback from the Building Inspector: No response yet. Ruth to follow up.

Right of way: John has been researching and provided feedback to the committee. Further discussion to follow.

Software used for permits: Kate contacted Ron Brouker, chair, Conservation Commission (CC). He says the CC does not use the software but the building inspector does. Ruth will follow-up with the building inspector.

The meeting progressed to agenda items:

Zoning Review Meeting Format

It has been hard to meet over the last few weeks because of the holidays and travel of members. It has been suggested that we make our meetings two hours each time. John also suggested that we consider meeting more frequently – possibly weekly. The committee agreed to start meeting for two hours, generally at 5 p.m. on the 2nd and 4th Monday of each month. The committee will consider making the meetings more frequent at a later date.

Zoning Review Committee Makeup

The committee wants to ensure that progress is made on the task at hand and discussed the possibility of either expanding the size of the committee or adding alternates from each of the

represented boards and committees. After discussion, it was determined that we still want to keep the committee small and nimble, so alternates would be the best option for now. We will ask the other committees to provide an alternate. Preferably this will be someone currently on the relevant committee, but we would consider other appointees. If we don't get alternates from Zoning Board of Appeals (ZBA) and CC, we can discuss other alternates with the Select Board.

Follow up from the February 6th Planning Board Public Meeting

At the public hearing on February 6th, the Planning Board asked the Ad Hoc Zoning Bylaw Review Committee to make a review of the Cottage Era Estate Bylaw (CEEB) a high priority. One concern is that we address the interests of the three groups in town – those that want to change the bylaw, those that want to keep it as it is and those who would like to dispense with it.

A suggestion from Tom LaBelle and Denny Alsop was that we present the bylaw purpose and discuss the bylaw at both Zoning Review and a public forum. The committee discussed next steps and considered the following options:

1. **BRPC:** At the last meeting, a question of using Berkshire Regional Planning Commission (BRPC) was brought up and Kate explained that she had touched base with Nat Karns, executive director, BRPC, at the onset of the zoning review process and that he had recommended a small committee such as the one we had already proposed as well as having a “diagnostic” review of our zoning bylaws. Given the question, Kate did however follow-up again with Nat Karns to see if he had any thoughts subsequent to the Planning Board public hearing. He suggested a more standard residential bylaw that would incentivize restoring historic structures. Other options would be to have a residential bylaw that would preserve open space and other resources (such as wetlands, views etc) in a land trust or neighborhood association. Incentives for developers include less infrastructure (roadways, lighting etc). He also recommended updating the bylaw with one or two bylaws per town meeting, not doing a total overhaul in one fell swoop.
2. **Public forums** – The goals of a public forum were discussed, including presenting the CEEB bylaw purpose as the basis for discussion in a forum, if possible in April. How does the bylaw serve the purpose would be a primary question. We would also want to understand which properties are important to the Town and are considered important to preserve. We want to include our part-time residents in the discussion, so this needs to be considered when planning such forums. It was also suggested that we look at other ways of collecting input – such as surveys and online forums (webinar) etc.
3. **Zoning Review Committee review of existing bylaw** – It was suggested that the committee should walk through and discuss the existing bylaw with the purpose in mind.
 - a. Purpose
 - b. Success in meeting the purpose with the existing bylaw

- c. Analysis of each part of the bylaw to understand how and why it is as it is today
- 4. **Consider which properties in town could take advantage of the CEEB.** We usually only refer to the three big ones, but there may be others (a list was read of properties that meet the CEEB criteria at the 2013 annual town meeting). Using the CEEB is something that an owner can elect to do; the town does not mandate it.
- 5. **Inviting people to speak on areas of expertise to inform the committee and the public** – e.g. Nat Karns from BRPC, Bob Tublitz on best zoning practices.
- 6. **Request a diagnostic of our existing bylaws**
- 7. **Review the degree to which we have non-conforming properties** in each of our zoning districts – this gives an indication of the “fit” of our zoning to existing development.

Audience members expressed concern with regard to looking at one bylaw in isolation because the Zoning Bylaw is interconnected. Another concern expressed was that the CEEB has combined preservation with commercial development and that the two considerations should be separated. It was also pointed out that some very large properties have changed hands without taking advantage of the CEEB – the market has dealt with the issue. Also, there were some large developments in town (Wyndham Hill, Oronoque and White Pines) that were developed before the CEEB existed and the process seemed to work well.

Suggested meeting topics:

- 1. Walkthrough of the existing CEEB
- 2. Nat Karns to speak on zoning review
- 3. Bob Tublitz to speak on zoning/planning

Next meeting: TBD

The Committee voted to close the meeting at 12:00pm

Action	Owner	Due Date	Status
Committee to review definitions and be ready to discuss	ALL	10/23/17	In progress
Research and propose an amended definition for Fast Food	Jim	Next meeting	Continuing
Research the origins of family definition	Ruth	Next Meeting	Continuing
Find out about the software function	Ruth	Next meeting	In progress
Research “right of way”	John	Next meeting	Continuing
Request that Cottage Era Estate Bylaw public forum be added to the PB Agenda	Ruth	December 12	Complete
Follow up with Town Administrators about putting the meeting notice on the boards	Ruth	December 19	Complete

Follow up with Carl and Jim about the content of today's meeting	Kate	February 23	
Contact SB about adding alternates to the committee	Kate	February 26 th	
Speak to Bob Tublitz about (a) speaking to the committee (b) analyzing non-conforming lots vs zoning in town	John	February 26 th	
Speak to BI about (a) marked up Zoning bylaws (b) software	Ruth	March 2 nd	
Share 2013 CE list with the committee	Kate	February 23 rd	
Share the BRPC report on historic properties in the Berkshires	Kate	February 23 rd	
Discuss next steps for the diagnostic	ALL	Next meeting	

Decision	Date
Meetings to be two hours – Monday 5 p.m.	Starting next meeting
Invite each committee to provide alternates	Request to be made this week
Dedicate one AHZBRC meeting to walking through and discussing the existing CEEB	TBD
Invite Nat Karns (BRPC) to attend a meeting to talk about Accessory Dwelling Units (ADUs)	TBD
Invite Bob Tublitz to give a brief overview of considerations relating to zoning in town	TBD
Host a public forum in April	
Host a 2 nd public forum in July or August	