

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

Date of Meeting: March 21 2018, 5:00 p.m.

Committee Attendees: Kate Fletcher (co-chair, Planning Board), Carl Sprague (Historic Preservation Commission), Tom LaBelle (Alternate, Conservation Commission), Bob Jones (Alternate, Zoning Board of Appeals)

Attending but not voting: John Hart (Conservation Commission)

Absent: Ruth Pearce (co-chair, Planning Board), Jim Murray (Zoning Board of Appeals)

Minutes from February 17 and 23 were approved.

A motion was made by Tom LaBelle to have a sub committee made up of Ruth Pearce and him to continue work on zoning bylaw definitions with the understanding that they will make a presentation to the Zoning Bylaw Review Committee (ZBRC) for input, comments and review by an attorney. Kate Fletcher commented that the ZBRC had decided early on to have a “diagnostic” done as part of the review process and that the material should be provided to the person doing the diagnostic. With agreement on this, Kate Fletcher seconded the motion and the motion passed unanimously.

As agreed at the previous meeting, this meeting was devoted to a careful reading and discussion of each section of the Cottage Era Estate bylaw (CEEB).

Starting with the CEEB definition, comments from both board and audience members included:

Definition

- Remove “America’s Gilded Age.” Since the dates are provided, this is redundant.
- The designated acreage (80 contiguous acres) is arbitrary.
- Discussion of the implications of wording “...principal one-family dwelling dating from *America’s Gilded Age* of approximately 1870-1920.” and the implications for an insignificant structure being used as a basis for development under the CEEB.
- The wording “dating from” was previously “during” – implications of, which is worse.

6.6.1 Purpose

- The Purpose is unrealistic in that its goals - adaptive reuse and preservation - are in conflict with one another.
- Looking at the Purpose, does it make sense to go through so much trouble for so few properties. The bylaw allows an entire area to be changed for the benefit of one property.
- Language in the Purpose is not enforceable.

- Having “condotels” was not what the original intent was.
- What is financially viable? The scale of proposals is at odds with the ambition of the Purpose. The goal was not to see the proliferation of Oak and Spruce style development.
- The CEEB is discriminatory in that other large properties not meeting the 80 contiguous acre requirement are excluded – it would be preferable to strengthen the hand of historic preservation.

6.6.2 Applicability

- Given past adaptations, it is surprising that there is nothing on schools. Nothing here speaks to the scale of the current proposal. The Select Board is given a lot of leeway.
- This section is at odds with the Purpose
- This section allows the Select Board to ignore basic rules in the Bylaw. Uses (resort, studio, conferences and retreat) are not in the Table of Uses.
- This section illustrates some of the issues with the bylaw; the list of uses that are allowed only for this property and prohibited in residential zones is discriminatory.
- What are the unintended consequences?
- The goal was to provide flexibility.

6.6.3 Procedure

- There is too much wiggle room in the Bylaw.
- Given that many board members do not understand their jurisdiction with Special Permits, or, are afraid to use the enormous discretionary power provided by Special Permits, this section is an opening for anything goes.
- The height allowance was specifically for Elm Court.
- The wording is vague; there is no wording that addresses other structures outside of 200’.
- This represents weak drafting and poor planning, it applies to the one property it was intended for.
- Is there a definition of floor area? Who controls the process, is there a way to protect from favoritism. With the Conservation Commission, the parameters are clear and cut and dried; there is no gray area.

6.6.4 Required Findings

- The goals are laudable; they try to fill a hole in the bylaws. Historic Preservation regulations are very limited, they can venture opinions, and their only jurisdiction is whether a house can be torn down or not. This list is great but is nowhere else in town bylaws – should this apply to only a few properties?
- While the CEEB provides latitude in other areas, this section indicates what the town wanted in the first place.
- There is no wording on preserving open space; letter J covers 200’ for a new building.

- We are the town with a CEEB in Massachusetts and it is conflict with the bedrock of zoning – uniformity of districts.
- Use of “detached” has been exploited and should be removed.
- Lighting wording misleading, lighting can easily be an issue if you consider multiple buildings/stories and hotel rooms.
- Everything should be measured by section m. and this gets ignored.

General comments cropped up in the course of reviewing the CEEB. They included:

- The bylaw represents spot zoning but the town did vote for it. Town meeting is not the ideal venue for understanding the implications of new zoning bylaws. It takes time to understand how a new bylaw such as this will impact a town.
- Invite the Select Board or make a Select Board member an ex officio member of the ZBRC.
- With regard to a question on the Elm Court addition square footage and whether it met the bylaw requirement of being less square footage than the original structure, the answer was that it was not less and that this could not be retroactively enforced. The wording addressing size is not clear.
- The 37 Interlaken Road developers were encouraged to attend.

Action items:

- Kate will invite Select Board to the next meeting

Action items from an earlier meeting:

- Ruth will follow-up with the building inspector on software and bylaw mark-up.