

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

Date of Meeting: April 19th, 2018

Alternates sitting in the audience do not work because it means that when they speak we are involving the audience and it is hard to keep others from participating.

Committee Attendees: John Hart (JH), Jim Murray (JM), Ruth Pearce (RP), Carl Sprague (CS)

Apologies: Kate Fletcher (KF), Gary Pitney (GP)

Alternates: Bob Jones (BJ), Tom LaBelle (TLB)

Approval of the minutes of Meeting held on April 12th, 2018 – Approved Unanimously

Reports of sub-committees

CEEB Sub-committee – JH

John read the report which is attached.

Comments:

CS - CEEB reaction to a short-lived cultural phenomenon – the Gilded Age

Audience - Why not protect older properties.

JH - Choose a date and any property prior counts.

Audience – As previously discussed, 80 years is arbitrary. So is the age of the property.

CS - working on the inventory of Gilded Age

HPC reviews additions and alterations to historic houses. Can prevent inappropriate tear downs and then it comes to the PB for review. They have not turned one down, but they are always reviewed. The process has ensured appropriate and sensitive development.

RP - Why is the HPC bylaw in the general bylaws and not in the Zoning Bylaws.

CS – at the time, the PB did not want to take on the burden of hearing these requests.

37 Interlaken would have to be reviewed by HPC. This would be a very large addition. Nothing has come before the HPC so far. Elm Court came before them.

HPC has teeth. If HPC turns it down and PB endorses, then the applicant can put the property for sale for a reasonable market value to prove hardship.

We have teeth as strong as any location in the Commonwealth.

TLB – on sale for a year is for a demolition delay. Does it apply to significant alterations?

JH – we recommend that we remove the acreage and the age should be modified. This could be a topic at the public forum

Definitions sub-committee – RP & TLB

Presented a list of 11 items that we are proposing to use or continue to use the Webster's dictionary. We ask the committee to consider this proposal and to suggest that this be brought to the PB. List attached.

Next steps – Committee members to review and discuss at the next meeting.

Open Space Development – JM

Looking at this now because the original premise was that there were large historic houses on large premium lots.

Existing traditional zoning and sub-division bylaws do not provide for consistent objectives for the properties. Elm Court – there was a significant trade off for preservation of the building and the property, so the town allowed a resort. In the absence of the CEEB we were would have seen a sprawling development.

37 Interlaken – preserve the building and the front part of the estate. Existing bylaws would/could allow development of single family houses and there could be significant density in the single building's place. Is there a way to protect the open space, natural resource areas, quite apart from house and encouraging clustering of the development in particular areas to maximize open space?

Recommend that we use a professional planner to help us analyze the need and the opportunity. Look at concepts that have been used.

Another question is whether we should be looking at this concept not only for the CE estates but in any large lot that may be developed?

Comments:

Note from JH in answer to a question from the audience - Building on the mountainside is not prohibited but just restricted.

Audience – It would be more acceptable to see houses built on the lot based on the buildable acreage than to see a big resort development.

Audience – how to develop has already been invented with the clustering bylaw. Take the total land, subtract the unbuildable land, subtract 15% for roads. If it is 4 acre zoning then you have to allow that acreage per house whether clustered or not.

TLB—CEEB puts the entire property under the special permit process. But in exchange you get to build things that would otherwise not be able to build in that acreage.

Allowing to have the best of both worlds – using the CEEB and still building houses – was not the intent.

RP - Although the CEEB only requires 75% of the contiguous land be allocated to the CEE. It is may be splitting hairs, but the entire lot does not have to be put into the CE Estate.

TLB - HPC provides as much protection as the CEEB. Under CEEB, who monitors that the development complies? Historic preservation aspect of CEEB is redundant because of HPC. Purpose of the CEEB was also to protect the space on large lots.

Audience – Look at the future and begin to act locally to protect the ecology. Behind 37 Interlaken there is a pristine wildlife habitat. Is there a value to the open space, the answer is yes.

JH – Suggested to 37 Interlaken team that they come to the ConComm, they would evaluate whether there are endangered species and other things to consider. So far the project has not been presented to ConComm for evaluation.

Audience – cluster subdivision already exists. What would be different in an open recreational space development?

Audience – state funding is available to do climate studies. We should apply. No local match. What the subcommittee is proposing is the next phase from the cluster bylaw. Move to open space design. Incorporate conservation easements to protect the bulk of the land and give people smaller building lots. May mean that each lot is not the same size. It also incorporates wildlife habitat.

RP – there is a short window to apply for the grant. Recommend that the committee members review (the details have already been circulated) and that we discuss at the next meeting.

JM - can take it further and mandate public access. Is there a value in protecting the house and the space in front of the house at 37 Interlaken.

Audience – It is not just about the front of the property. There is enormous value to the back because wildlife and habitat, and because of the visibility of the area from Gould Meadow. Stockbridge could be at the forefront of taking steps to prevent the increasing pace of extinction of species.

Planner and/or diagnostic discussion.

Both CEEB and Open Space sub-committees recommend using a planner to help us move forward.

The committee agreed that we need to use a professional to help us to move forward. It is time to find someone to help us to develop ideas on how to update our bylaws including the CEEB.

Next steps:

RP – Check with the Town Administrator to see what steps we have to follow to hire someone.

JM – Suggested that Kate Fletcher be the clearing for suggestions and ideas. CS said he will also have a discussion with KF. Carl has some potential leads to get recommendations from. Direct inquiries or feedback to Kate. There was a recommendation from the audience that we consult with BPRC in order to get suggestions and guidance. This idea of professional support is not new to them. We pay dues to BRPC, they may be able to make recommendations. Recommend other town contacts where there have been similar challenges.

JH – Another idea is that it may make sense to reach out to U-Mass at Amherst, New Hampshire. This would cost potentially a lot less than hiring a professional from Boston. JH will check with Bob Tublitz for a specific contact at U-Mass.

Add this as an agenda item for next meeting to continue the discussion and decide next steps.

Public Forum Planning Discussion

What are we going to discuss at the public forum.

Timing – proposed date June 7th

Audience – is it educational for the public, or is it soliciting input for the committee. Is it on zoning generally? What information does the public have to give to us?

JH – Recommends that we accelerate the planner process – get some documents to put before the town. We need specific suggestions for the town to consider. Recommend that we wait until we have something from a planner.

CS – We could use the forum to talk about master plan issues, purpose, goals, such as preservation, Open space, Development. We could definitely update the public on the concrete work we have done so far on Definitions, CEEB. But it is not clear how that would be different than the regular weekly meeting. CS also recommends that we wait until we have had a chance to consult a planner.

JM – we all agree that historic preservation has substantial value. We all agree that zoning approach that incorporates historic preservation is desirable. To what extent are we willing to accept trade-offs? We believe that most people in town agree with the importance of preservation.

TLB – we are all for preservation for open space. A lot of people question whether the guiding principles from the master plan are still appropriate. Every town has a different personality.

When we are ready to host the public forum we can use press releases to attract attention.

BJ- We can begin looking at other towns like Stockbridge, economically vital towns. Open space, preservation are cornerstones. A professional planner should bring that background and knowledge to help us see how to strike the balance between preservation and economic development.

Audience – house sales in Stockbridge. Two houses have sold – one before 37 Interlaken announcement, and one after. Interlaken Central location between Stockbridge and Lenox. There are families moving in, but the price-point makes it hard for full time owners.

JM – We need to consider what we want to protect, environmentally and space and you end up with areas that can provide housing, but we don't prescribe the housing that can be there.

Audience – Many people moving here work from their homes and some have moved for the schools in the area. That is part of the appeal of this region.

CS – We have a big emphasis on cultural institutions. Schools are part of that continuum. We need to understand what the attractions are and what we need to protect and promote.

JH – We need to get back to going through the zoning bylaw

A motion to postpone the Public Forum until we have engaged a planner was supported unanimously.

Any other business

RP - Update on the R4 zoning question from the last meeting. R4 zoning was implemented in 1989. We grandfathered in the properties but not the rights. Under our current zoning, over 70% of our lots are non-conforming, not just based on acreage but based on setbacks (50 feet in R4), frontage (300 feet in R4) and lot coverage (10% in R4). Based on discussions at last year's MA planning conference, this level of non-conformity generally signals a problem with the zoning.

JM – one reason that we are in the situation of discussing in the CEEB because these are the properties that are most eligible for development are most attractive, have well-drained sites etc. Hence the importance and sensitivity around the topic.

Meeting adjourned at 7pm.

Actions

1. Check with TA about the procedure for hiring a planner/professional – Ruth Pearce
2. Speak with Kate Fletcher about next steps – Carl Sprague
3. Contact Bob Tublitz about suggestions for professional assistance – John Hart
4. Add an agenda item to discuss feedback on the definition proposal – Ruth Pearce
5. Add an agenda item to discuss next steps for hiring a planner – Ruth Pearce
6. Add an agenda item to discuss whether we want to apply for the MA grant to look into climate effects – Ruth Pearce

Minutes submitted by Ruth Pearce.

Approved by SAC 5/31/18