

PLANNING BOARD

DATE: November 30, 2023

TIME: 6:00 P.M.

PLACE: Large Meeting Room

FOR: Regular Meeting

PRESENT: Brandee Nelson, Chair; Pedro Pachano; Malcolm Fick

Jeremy Higa, via Zoom

Chris Rembold, Assistant Town Manager/Director of Planning and Development

Ms. Nelson called the meeting to order at 6:00 P.M. She read the opening statement. She said the meeting was being recorded. Ms. Nelson also read Section 241-1 of the Town Code.

Mr. Higa was not present. All other members were present in person.

FORM A PLANS:

There were no plans submitted.

MINUTES: NOVEMBER 9, 2023

Mr. Fick made a motion to approve as amended, the minutes of November 30, 2023, Mr. Pachano seconded, all in favor.

HOUSING OPPORTUNITIES:

Ms. Nelson said the Planning Board is in the information gathering phase. The purpose of the discussion is the review of the congregate living bylaw proposed by Mr. Pachano and with suggested edits by Mr. Hankin.

June Wolfe from Construct was present via Zoom. Eileen Peltier from the Berkshire Housing Development Corporation was present in the meeting room.

Ms. Wolfe said she is delighted that the Planning Board is looking into creative ways to add housing. She said congregate living is what people do when they get stuck. Construct has provided congregate living a couple of different times. She said there have been limitations from the previous Building Inspector's interpretation. An example is when there is housing that could accommodate 12 individuals only 5 individuals would be allowed per his interpretation.

Ms. Wolfe said Mr. Pachano's language in 8.10 could create a legal tangle in a couple of areas. She said the housing court does not recognize zoning bylaws as its law. Some things the court does is in conflict with the proposed language.

Mr. Higa arrived at 6:08 P.M. via Zoom.

Ms. Wolfe referred to having a live-in manager. She said it could create an issue when the live-in manager is no longer employed but is still living on the property. It would be difficult to remove that person. She said this language needs to be made more workable.

Ms. Wolfe said Massachusetts is a tenant friendly state. The State sets up the owner who operates housing opportunities. She said this language won't increase housing because people won't do it.

Ms. Peltier said having a live-in manager means creating a unit where no rent is paid. She said it is difficult to require someone to "watch over" the tenants.

Mr. Fick asked how open/communal spaces would be managed.

Ms. Wolfe said the former Windflower Inn is being used for co-housing. She said there is a manager but the manager doesn't live on the premises. The manager meets with people to discuss issues. She said Windflower is a wonderful model. She said there are multiple generations working together. She said we are not just taking people who are desperate we take people who want to live in a congregate living situation. She said if people don't like the situation they can move on because they have a 30 day lease. People consciously make a choice and they are responsible.

Ms. Peltier said property managers don't live on site. There are multiple buildings in the complexes. She said some properties are for people who are sober and recovering. Those people choose to live in congregate housing with shared kitchen and living spaces. People need to be treated like adults and allowed to self-regulate. She said we are dealing with people in their homes. We can't make people take services and we can't tell people how to live in their homes. She said we use a house manager but not 24/7. She added that people in detox and recovery are very vulnerable. She said the housing shouldn't be over regulated.

Mr. Fick said we are trying to decide if the use should be allowed by-right or by special permit. He said he is comfortable with Berkshire Housing Development Corporation and Construct making good arrangements but he wasn't sure about someone else.

Ms. Nelson said we need to maintain a quality of equitability for the residents.

Mr. Pachano said any landlord arrangement could be a problem as it is an unknown risk.

Ms. Nelson said from an economic standpoint how many will be non-profit owned which would mean the properties would come off the tax role.

Ms. Peltier said maybe it would be reasonable to compromise. She said she can see where the Board has concerns about the challenges.

Ms. Wolfe said she can hear what the Board is saying about by-right. She suggested requiring a management plan. She suggested having certain rules to be complied with.

Ms. Nelson said this discussion is helpful. She said she could see where a 10 room Victorian home could have all ten rooms rented. She said there needs to be a plan for operating the house.

Ms. Peltier the property owner would be responsible.

Ms. Nelson said yes but it is hard once you go down that road to turn back. She said not everyone does their due diligence. She said we appreciate what you do for the community. She said she originally thought the 30 day lease situation was a negative but it sounds like it works.

Ms. Wolfe said all State funded properties have a one year lease. She said seasonal workers can't be housed in the affordable units that have State funds. She said we are meeting a need with Windflower. She said the workers are about working in the community.

Mr. Rembold said co-housing/congregate living is more of a transient situation. The housing is not long term. He asked how this is different from dormitories or sorority housing.

Ms. Wolfe said the difference is that everyone is working. She said what she hates about affordable housing is the income requirements can be punitive. She said people in congregate housing drive the economy because they are working.

Ms. Wolfe said the co-housing at Windflower is a product of the current housing market. They are mature adults, not young people.

Ms. Peltier said she doesn't want to make it sound like people in affordable housing aren't working.

Ms. Peltier suggested that the Board look at the shared housing model out of Cambridge.

Ms. Wolfe said there needs to be management but not a live in manager.

Ms. Wolfe said she liked the language for parking and parking for bikes. She said she didn't like the clause about storage space. She said MGL 239 requires that belongings left behind have to be moved to and stored in a bonded warehouse. The closest bonded warehouse is in Springfield. The property owner is responsible for moving and storage costs. She said it is incredibly onerous. She said there shouldn't be any storage offered. She said the rental unit could be empty but the storage could be full requiring it to be removed and stored at an expense. She said this law would discourage honest people from providing congregating living.

Ms. Peltier agreed. She said it isn't manageable. It is very challenging.

Ms. Wolfe referred to the language about units over 250 square feet having a kitchen and bathroom. She suggested rethinking the size. She said she isn't sure what the reason is for requiring a kitchen. She said allowing one a kitchen is one thing but requiring one is another.

Ms. Peltier said it is cost prohibitive.

Ms. Wolfe said Windflower has en suite bathrooms. She said it is more successful for each bedroom to have a bathroom. It is more successful than having a shared bath or a half bath. She said she likes the washer dryer ratio.

Ms. Nelson said we have discussed what the right balance is.

Ms. Wolfe said there is a risk of micro-managing. She said you want to create a bylaw that is enforceable and equitable.

Ms. Peltier said ideally a tiny apartment with a kitchen and bath would be great but it won't work everywhere.

Ms. Wolfe said there are economic situations that impact the function. She said we are being approached by many inn owners for reuse of their properties.

Ms. Nelson asked about the number of occupants in a space. She asked if there could be mother and child for example.

Ms. Peltier said it is very challenging. She said with two people there needs to be 500-600 square feet for the unit. She said some funding sources wouldn't allow the smaller range.

Ms. Wolfe said all inventory is good inventory. She said we need units specifically for the 20-40 age group. She said this is the group leaving the county and it is the group that drives the economy. She said families with children opt out of shared housing situations.

Mr. Pachano asked what size units should be provided.

Ms. Wolfe asked why put a minimum size. She said use what you have.

Mr. Pachano said the intent was to get more units and to keep rents low.

Ms. Wolfe said that makes sense. She said rents kind of self-select as well.

Mr. Pachano said he didn't realize how much need there is for seasonal housing.

Ms. Nelson thanked Ms. Wolfe and Ms. Peltier for attending. She said the Board appreciates the input as we work through the process.

MASTER PLAN:

The Board continued discussion of the Master Plan process.

Ms. Kain said she would like an update on assigned committees.

Mr. Fick said he spoke with the Historic District Commission. He said he wants to translate his notes. He said it is great idea to make committees feel responsible for their part of the Master Plan. He said he will also meet with the Historic Committee and will discuss that meeting at the next Planning Board meeting.

Ms. Kain said she met with the Cultural Council. She said they are happy they have something in their wheelhouse from the Master Plan.

Ms. Nelson said we will take stock of where we are with implementation of the Master Plan. She said right now we don't want to get too far ahead of ourselves. She said we are a green community so we are addressing climate change. She said we will have a second round of discussion about what isn't being done and what else should be done.

Ms. Kain said the Planning Board has 17 items. She said we will want to revisit 11 of them. She suggested we put the items in an order to address.

Ms. Nelson said she would be happy to meet to discuss an order. She said we will have ongoing discussions.

Ms. Kain said she thinks priorities should be set.

Ms. Nelson said she has offered some suggestions to the Select Board.

Mr. Rembold said the Select Board will hold its priority and goals meeting on January 29. He said they have a meeting to discuss specific topics every 6 months. He said there is a current list of the priorities on the Select Board's website.

Ms. Nelson said we need to be selective so as not to overwhelm the Select Board. We need to be targeted so we don't send too much to the Select Board.

Mr. Rembold said Staff can help with being selective.

Mr. Pachano said the Tree Committee and the Conservation Commission will get back to us by January with comments.

Ms. Nelson said she met with Steve Bannon. She said there will be another meeting on January 9 to go point by point. She said the Select Board will absorb the tasks of the now defunct Energy Committee.

Ms. Nelson said she will meet with the Agricultural Committee in January and Parks and Rec on December 13.

Mr. Higa said he didn't have anything assigned to him.

Ms. Nelson said he could help with Parks and Rec. She said she will follow up with him.

Ms. Nelson said we are making progress.

TOWN PLANNER'S REPORT:

Mr. Rembold said the Select Board's strategic planning meeting will be held in January.

Mr. Rembold said the E Code is up to date and all bylaws are updated now.

Mr. Rembold said the Board will likely have a special permit to review for a recommendation at its December 14 meeting.

BOARD & SUB COMMITTEE/ISSUES & CONCERNS:

Mr. Higa said the Housing Sub Committee will meet with the Great Barrington Affordable Housing Trust next week. He said the CPC step 2 review will begin on December 12 and 13.

Ms. Nelson asked that the energy storage system discussion be on the next agenda.

CITIZEN'S SPEAK TIME:

No one spoke.

Respectfully submitted,

Kimberly L. Shaw

Kimberly L. Shaw
Planning Board Secretary