

**ADAMS PLANNING BOARD
MEETING MINUTES
MONDAY, JULY 29, 2019**

APPROVED

MEMBERS PRESENT: Chairman David Rhinemiller, Vice-Chairman David Krzeminski and Members Michael Mach, Lisa Gazaille and Sandra Moderski

OTHERS PRESENT: Adams Selectboard, Joseph Nowak, James Bush, Christine Hoyt; Town Administrator Jay Green; Community Development Director Donna Cesan; Building Commissioner Gerald Garner; Senior Planner, Kevin Towle; Berkshire Regional Planning Commission representative, Mark Maloy; Town residents (See attached)

CALL TO ORDER: Chairman David Rhinemiller called the meeting to order at 7:00 P.M.

NEW BUSINESS:

1. Public Hearing on the proposed amendment to the Adams Zoning Bylaw to create a new Article IV, Section 125-40 entitle “Smart Growth Overlay District” under the provisions of M.G.L. Chapter 40R and 760 C.M.R. 59 which will allow for development of multi-family residential and mixed use development by right and encourage redevelopment of currently underutilized or obsolete structures and properties and establish special site and building design standards, parking and dimensional controls and affordability requirements

Chairman Rhinemiller addressed the members and public audience stating that the Planning Board members would begin their discussion on the proposed amendment to the Adams Zoning Bylaw regarding M.G.L. Chapter 40R adding that the meeting would be open to the public to give them an opportunity to speak.

John Cowie, a resident of 18 East Street addressed the board members to ask them if the public notice of the meeting was required to be mailed to the abutters. Kevin Towle addressed Mr. Cowie to let him know that the notice was mailed to affected property owners but, beyond that, the notification process was consistent with the requirements of MGL c. 40A which does not require notice to abutters. He added that legal notices were placed in the *Berkshire Eagle* and that notices were also posted with the Town Clerk consistent with open meeting laws.

Donna Cesan, Community Development Director addressed the board members stating to them that there would be three speakers addressing the bylaw with the Planning Board members and the public audience. She stated that Mark Maloy, from Berkshire Regional Planning Commission would be the first speaker. Ms. Cesan stated that she would speak on behalf of the Town of Adams and Kevin Towle, Senior Planner would provide an “overview of the structure of the bylaw.”

Mark Maloy addressed members and the public audience stating to them that he would like to begin his introduction of 40R with them. He explained that Massachusetts had an affordable housing crisis and the state was reviewing procedures to develop ways to address the current issue. He stated that 40R was created in 2004 and was designed to “encourage communities to

create dense residential or mixed use Smart Growth Zoning Districts including a percentage of affordable housing units located in areas of concentrated developments such as existing city and town centers.” Mr. Maloy stated that 42 communities in the state have adopted 40R, noting that 22,000 units are being zoned at the current time. He continued to note that the Town of Adams is interested in redeveloping existing buildings and using properties that were underutilized or vacant. Mr. Maloy explained that they would like to encourage high density units consisting of 20 units per acre by right, noting that many of the town’s apartments contain that density. He stated that the town would have mixed use residential living units requiring a minimum number of residential units while the remaining space in the building could be commercial space for restaurants, offices or retail while being located in an area of concentrated development in an urbanized commercially zoned district. He stated that future developers could choose to develop a project utilizing the underlying zoning (which would remain in effect) or utilizing the 40R/Smart Growth Overlay District. He stated that the proposed bylaw controls the developer’s use of the space, as well as provides design guidelines which would give the town control over the look and character of the development. Mr. Maloy explained that, by state law, 40R/Smart Growth Overlay Districts must provide for at least 20 percent of the total residential units as deed restricted affordable units for 30 years. He stated that there was an application procedure that can be carried out through the Housing Authority or other another housing agency designated by the Planning Board. He explained to them that the renter’s income could not exceed 80 percent of the area’s median income, adding that the area median income for the Pittsfield metropolitan area (of which Adams is a part) is \$80,000. Mr. Maloy stated that if the renter made less than \$64,000 per year, they could qualify for these units. He stated that rent would be approximately \$1600.00 per month. Mr. Maloy indicated that this would not be affiliated with Section 8 housing which was at a much lower income level. He emphasized that 40R was a tool for redevelopment while it gave control over affordable housing. Mr. Maloy also referred to MGL 40B which requires town’s to have at least 10 percent of their housing units deed restricted, as affordable. He continued to note that Adams did not meet this criterion currently. He stated that a developer could come to town at the current time and develop affordable housing units at any location with no oversight by the Town or the Planning Board. Mr. Maloy explained that having 40R in place is the only mechanism by which the Town can exercise control over the number and location of affordable housing units. As an incentive for adopting 40R, the state provides an initial payment of \$10,000 to \$600,000 depending on the number of units allowed. He stated that, in addition to that sum, the town would receive an additional incentive payment of \$3000.00 for every unit actually constructed with the town standing to gain approximately \$2,400.000 to be used for capital expenses on town roads, sidewalks, sewer and water, etc. Mr. Maloy stated that Pittsfield, Lee and Great Barrington MA had adopted 40R. He mentioned that Great Barrington was most comparable to Adams in terms of district size and bylaw structure. Mr. Maloy stated that if the town adopts this bylaw, they would need to acquire the state’s approval to become a 40R community.

Mr. Maloy turned the discussion over to Ms. Cesan.

Ms. Cesan addressed the board members to let them know that town staff had been reviewing the 40R plan over the course of several years. She mentioned to them that discussion had transpired with other communities who had passed 40R so they could better comprehend how it would benefit Adams. She continued to note that in 2018, Berkshire Regional Planning Commission

and the Community Development Department completed a housing needs assessment that recommended adoption of 40R. She reviewed the various points made within the report with the board. She began by stating that Adams' housing was "older, code deficient and lacks modern amenities." Ms. Cesan stated that within the town's center, 80 percent of the housing was constructed prior to 1920. She told the members that the needs assessment study that was conducted recommended that the town "work to support the production of new housing for renter and owner occupied households across a broad range of incomes." Ms. Cesan stated that the study further recommended that the town move toward a 40R Smart Growth Overlay District which would allow increased development of residential housing in the downtown areas. She stated that the town has conducted a number of workshops held with the Planning Board to determine the subdistricts for the proposed housing development, emphasizing that those properties would be the only areas included in the 40R District. Ms. Cesan explained that if the town adopted the 40R program, new housing development would be allowed within the locations of these properties while providing additional resources to the developer, as well as the municipality. She emphasized to them that the town would acquire more control over these developments as well. Ms. Cesan stated that the town needed to attract higher end residents as the town had decreased population while the downtown was being affected by the lack of customers. In closing, she stated that the 40R bylaw would provide Adams with more oversight and private investment in town.

Ms. Cesan turned the discussion over to Senior Planner, Kevin Towle stating that he would review the 40R bylaw with them.

Mr. Towle stated that the 40R Smart Growth Overlay District would consist of four subdistricts in town.

Subdistrict A: "Park Street Smart Growth Area;" Armory, Jones Block, Carlow Building with 67 percent of the housing space being residential and the remainder of the space would be for commercial use.

Subdistrict B: "Schools Smart Growth Area;" Adams Stove Company, (former Renfrew Street School), Hoosac Valley Elementary School, Adams Memorial School and the former Commercial Street School, would allow 70 percent residential while 30 percent of the space would remain as a mixed use.

Subdistrict C: "Mills Smart Growth Area;" 5-7 Hoosac Street Mill, MacDermid Mill, Grove Street Mill, Old Stone Mill would allow 8 percent residential use and the remainder would be for mixed use.

Subdistrict D: "Developable Land Smart Growth Area;" Albert Street (Map 109, Parcel 128), 44 Spring Street, 2 Gavin Avenue, Bedell Lane (Map 116, Parcel 78), Adams Community Center at 20 East Street would be used as 100 percent residential use.

Mr. Towle emphasized that the 40R bylaw had been reviewed extensively by the Planning Board during their monthly workshop meetings. He stated that the developed uses within the subdistricts required to be 20 percent affordable with a cap of 40 percent being permitted by right with permission of the Planning Board.

Chairman Rhinemiller opened the meeting to the public audience.

William Kolis approached the podium stating that he owned the former Fire House Pub on Park Street and was against the adoption of the 40R bylaw. He submitted exhibits and written remarks to the Planning Board for their future review. He stated that the incentives offered by the state would only occur if development took place. Mr. Kolis wanted them to know that he felt that the “abutters had no rights.” He told them that the only developer who had approached the town was the owner of 7 Hoosac Street while noting that he was looking for “90 percent finance out of 50 million dollars by state and federal housing and historic tax incentives.” Mr. Kolis stated that this bylaw was designed for the Boston, MA area where people cannot afford to live as well as work. Mr. Kolis stated that if these housing units are developed, there was a chance that landlords could lose their tenants who may be encouraged to move to newer surroundings. Mr. Kolis told them that there was “an adequate supply of affordable housing in town.” In closing, he stated that North Adams, MA had been undergoing development of their current mills for commercial and residential development without being subject to the 40R bylaw.

Mr. Towle addressed the members and audience stating that there were an adequate number of affordable housing units in Adams, noting that there was not an adequate number of market rate and higher end housing and that the goal of the Town was to incentivize development of higher tier housing.

Ronald King approached the podium stating that he agreed with Mr. Kolis’ views and hoped the audience would also.

Dave Dabrowski approached the podium stating that he felt the 40R bylaw would cause his property value to decrease. Mr. Dabrowski stated that the Planning Board should leave the voting regarding to the 40R bylaw to the people of Adams.

Kathy Bergeron approached the podium to state to them that the town’s residents should have been better notified about the public meeting. Chairman Rhinemiller addressed Ms. Bergeron to let her know that the Planning Board’s public notice was posted in two public places in town as they followed MA General Law. Ms. Bergeron showed concern that the proposed 900 housing units would not be occupied, therefore a developer would need to lower the rents to attract more tenants. She said once 40R was approved, “There was no going back.” Ms. Bergeron told the members that other communities who have adopted 40R had conducted studies to determine the affect 40R would have in their community before accepting the bylaw. She asked members if Adams would perform a similar study.

Ms. Cesan addressed the members and audience to state to them that the population of Adams had decreased significantly and the burden of the tax increase had been passed on to the current residents. She stated that the town needs to become “proactive.” Ms. Cesan emphasized that 40R would allow development options for property owners.

¹ Editor’s Note: 900 units was a number stated by many attendees of the meeting. The actual proposal calls for 629 units

MJ Downing approached the podium stating that he sensed that the town was attempting to bring in poverty to create wealth. He claimed that bringing in a population of residents with socioeconomic problems would not benefit the town but create a deficit to the budget crisis.

Gary Singer approached the podium stating that the 40R bylaw would bring property values down in the town which could become a risk for residents who may want to sell their homes.

Mr. Towle stated that only 120 units of the 600 units would be dedicated to families who met the affordability criteria.

Gail Sellers approached the podium stating that the town did not need incentives to bring outside developers who can build by-right while the abutters had no input to this proposal. She continued to state that the mill located at 7 Hoosac Street was purchased by the owner for \$400,000 and he was now selling the building for \$2.8 million dollars. Ms. Sellers told the members that the owner was “holding the building hostage” and that property was prime property for a mixed use housing development.

Michael Perreault approached the podium stating that he felt the proposal “to promote the economic health and vitality of the town” would not be creating this in the future. Mr. Perreault was curious to know when up to 900 units with 40 percent affordable housing units were developed where the residents planned to work. He explained to them that this concept would lower the values of homes in the area and this would impact the town’s economic standing.

John Cowie, Jr. approached the podium stating that the property on 7 Hoosac Street was purchased by Mr. Cohen. He stated that he proposed to create 180 low income and affordable housing units. Mr. Cowie wanted the members to know that according to HUD’S statistics, the town’s median average income was \$70,000. Mr. Cowie stated that the town currently had plenty of housing available. He concluded by stating that the larger cities in the state are looking for areas to relocate their low income housing residents. He wanted the members to know that Hoosac Valley High School had 58 percent disadvantage and low income students. Mr. Cowie told them that if the 40R bylaw was passed, these percentages would increase.

Julie Lyon-Sweeney approached the podium stating that the Grove Street Mill abutting her property was subject to a proposed housing development. She showed concern that other mills in town should be included in the plans. Ms. Sweeney wanted to know where the residents would be working while they were encouraged to live in the community.

Frederick Nazzewski approached the podium to question why the meeting was not advertised. He was very concerned that 80 to 90 percent of the people renting the proposed housing units would be Section 8 residents.

A citizen approached the podium stating that she moved from Northampton, MA with her son who was epileptic and was required to have an aid at the high school. She was discouraged listening to comments being made about residents who were low income or in need of services within the school system.

Pat Sola approached the podium stating that she was curious to know if her property value would decrease due to the implementation of 40R or would there be any recourse.

Jim Daunais approached the podium stating that he was concerned that new developers may walk away from their projects and leave the responsibility to the tax payers.

Jake Zieminski approached the podium stating that he ran a cannabis business in Adams on 5 Hoosac Street. He mentioned to members that he looks at how his business affects the town in regards to creating jobs which would require a housing demand. Mr. Zieminski questioned how would the 40R bylaw would impact his current business district.

Donna Loncto approached the podium stating that she was concerned that low income housing residents can relocate from any other area of the state with a housing vouture.

Sandra Harvey approached the podium stating that subsidized housing was needed in our town. Ms. Harvey stated that low income housing can be very “discriminatory.” She emphasized that the management of the housing units would be very important. Ms. Harvey stated that the town should be cautious about these areas of developments while being “open and accepting of people with differences.”

Steve Dadak approached the podium stating that he felt that the proposed 40R bylaw was “backdoor rezoning for private people from out of town.” Mr. Dadak stated that the town was “deep in debt with high taxes.” He told them that the \$600,000 incentive offered to the town for the 40R Smarth Growth Overlay would not offset the town’s current expenses. He emphasized to the members that at the current time, Adams was the most affordable place to reside, while noting that the town did not need “more affordability.” Lastly, Mr. Dadak stated that “local ownership was better than outside ownership.”

Christine Hoyt, Adams Selectboard Chairman approached the podium stating that she wanted to commend the Planning Board on the work they devoted to creating the 40R bylaw. She wanted them to know that the efforts being made to develop the bylaw would “protect the town from future multi-family housing developments in inappropriate locations.” Ms. Hoyt encouraged the public audience to get more involved with town government during their annual election.

Marilyn Bourdon, approached the podium curious to know who the individuals were who choose the locations of the properties that were included in the overlay process.

Ms. Cesan addressed Ms. Bourdon by stating that the Community Development staff and the Berkshire Regional Commission worked collectively to identify underutilized and blighted properties along with the Planning Board during monthly workshop meetings that were held.

Ms. Bourdon asked the members what the owners of the proposed developments stood to gain.

Ms. Cesan responded by stating that it would provide the owner with another option for the use of the property. She stated that this would provide a “pathway” for the owner along with state incentives that come with the 40R bylaw.

Chairman Rhinemiller closed the meeting to the public.

Member Mach stated to the members that he understood that the money incentives that the town stood to gain would be used for social services. He commented that \$600,000 would not “go very far.” Member Mach raised concern stating that once the town accepted to adopt 40R, what type of control they would have in place. He stated that landlords who currently rent apartments may lose their tenants who could shift their interest to rent within the new housing developments. He told them that the existing buildings would cause the revenue to decrease for homeowners and inevitably could be left in poor conditions while lowering the values of other residents’ property. In closing, he told the members that he was against the 40R bylaw.

Member Moderski stated that she would like to refer the members to a 2018 housing needs assessment report that was submitted to the board members for their review. She stated that she had concern with the vacancy rate in town. Member Moderski told them that there was a “3.1 percent vacancy rate per home ownership and a 5.1 percent vacancy rate for rental units.” She was curious to know why the town would want to create additional housing units. She continued to note that 64 percent of the renters pay \$500-\$999.00 per month with a dramatic increase happening in rental units over the years. Member Moderski told them that the landlords that have rented units for many years while keeping their properties in good standing should expect to charge higher rents. She wanted to emphasize to town members and officials that the town of Adams has the second highest tax rate in Berkshire County with the lowest rents in the county. Member Moderski stated that the town does not have an assisted living facility and questioned why that was. In closing, she stated that there were no provisions in Massachusetts that would assist landlords if they did not rent affordable units. She emphasized to members that the state needs to give more funding to local people who have lived here for years.

Chairman Rhinemiller stated to the audience that the 40R bylaw would be beneficial to the town while allowing possible flexibility with future development. He stated that it could be an “avenue” to bring business to town offering mixed and residential use. Chairman Rhinemiller wanted the audience to know that the future of this development with 600 units would not be realistic.

Member Mach told the members and the audience that North Adams, MA has developed all of their mills.

Vice-Chairman Krzeminski stated to the audience that if they had more input regarding the 40R bylaw, they should speak to their town meeting members.

Member Moderski recommended that the members should consider acquiring a “professional opinion” in respect to the effects of passing the 40R bylaw. Ms. Cesan indicated that the Community Development staff and staff at Berkshire Regional Planning Commission had

reviewed the bylaw and questioned who the Board would want to have review the bylaw in addition.

Chairman Rhinemiller stated to the members that three towns had adopted the 40R bylaw. He addressed Mr. Maloy, Berkshire Regional Planning Commission to ask him the effects 40R had on other communities. Mr. Maloy stated that Pittsfield, MA constructed 112 housing units that were created over 11 years with 20 percent affordable housing. Mr. Rhinemiller stated that the future of the town's development "would not take place overnight."

Ms. Cesan stated to the members that a community meeting could be conducted for further discussion with representatives from other areas who would give them an opportunity to speak about their concerns with the 40R bylaw in their town.

A motion made by Vice-Chairman Krzeminski, seconded by Member Moderski to continue the public hearing to September 23, 2019 at 7:00 P.M., passed unanimously.

REVIEW MAIL:

ADJOURN: A motion made by Member Moderski, seconded by Vice-Chairman Krzeminski to adjourn the meeting at 9:15 P.M.

Respectfully Submitted,

Recording Secretary

Date