

APPROVED

**ADAMS PLANNING BOARD
MEETING MINUTES
MONDAY, DECEMBER 16, 2019**

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

OTHERS PRESENT: Christine Hoyt (Chairman, Board of Selectmen), Jim Bush (Selectman), Donna Cesan (Community Development Director), Kevin Towle (Senior Planner), Jeff Snoonian (*iBerkshires.com*)

CALL TO ORDER: Chairman Rhinemiller called the meeting to order at 7:02 P.M.

OLD BUSINESS: Continuance Public Hearing to continued the Board's consideration of a new Zoning Bylaw amendment and amendment to the Zoning Map for the Town of Adams as follows:

- 1. To Amend the Zoning Bylaw to create a new Article IV, Section 125-40 entitled "Smart Growth Overlay District" under the provisions of M.G.L. Chapter 40R and 760 C.M.R. 59 which will allow for the 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; and**
- 2. Amend the official Zoning Map of the Town of Adams by creating a 40R Smart Growth Overlay District consisting of four (4) subdistricts, each of which encompasses multiple parcels. The underlying zoning of properties within the Smart Growth Overlay District remains in effect.**

(NOTE: Items 1 and 2 were considered together as approval of the bylaw necessarily provided for changes in the zoning map)

Chairman Rhinemiller opened the meeting by entering a letter from property owner Mr. William Kolis into the record. Board members indicated that they had received and reviewed the letter.

Chairman Rhinemiller opened the floor to Board members for discussion.

Member Krzeminski asked what input had been ascertained from developers at the last 40R public information session hosted by the Town. Community Development Department ("CDD") Director Donna Cesan recapped the meeting and paraphrased developer Dave Carver of Scarafoni Associates by stating that 40R was "another tool in the toolbox" for developers.

Member Mach provided input and review of the public information session and stated that he did not believe Mr. Carver had taken a side on the issue, but that Attorney Don Dubendorf spoke in

support of 40R. He reiterated that the “affordable income” threshold for the 40R program is \$49,700 for Adams. CDD Director Cesan stated that the \$49,700 figure is the ceiling for a single applicant, but the threshold rises to \$56,500 for a couple. She stated that the income limits are established annually by the US Department of Housing and Urban Development (“HUD”) based on statistics for the Pittsfield Metropolitan Area.

Member Krzeminski asked CDD Director Cesan if North Adams was using this program. Director Cesan stated that they were considering adoption.

Member Gazaille asked CDD Director Cesan to clarify the distinction between “affordable” and “subsidized.” Director Cesan stated that the state designed the 40R program with the intent of utilizing it to create affordable workforce housing vis-à-vis the state’s Section 8 program.

Member Gazaille asked CDD Director Cesan to explain “by-right” development. Director Cesan stated that a project could be proposed and would have to be permitted provided that it met all of the criteria in the bylaw but could not start building “tomorrow.” Vice Chairman Krzeminski asked if a project could be refused. Director Cesan stated that the review process for projects in the proposed bylaw is actually greater than the existing review process for the Town. She indicated that there are subjective tests in the bylaw where the Planning Board could deny a project if, for example, concerns of the neighbors could not be “adequately mitigated.” She also indicated that the Board has the right to impose limits and restrictions.

Vice Chairman Krzeminski asked what rights the neighbors have under the bylaw. Director Cesan stated that neighbors would retain the same rights they have presently (i.e., the right to appear before and appeal to a public board). Member Moderski stated that the criteria to reject a project are very narrow. Director Cesan responded that if neighbors can demonstrate that there are conditions that cannot be mitigated, the Board has the right to deny the project. Member Moderski replied that “by right” limits the ability of the Board to disapprove a site plan.

Member Moderski compared the number of units that are allowable by right under current zoning in the proposed district and the potential units identified for the smart growth district. She stated that there are sixty (60) units that would be allowable under current zoning and over 600 would be allowable under the 40R proposal. She stated her belief that the smart growth district, if approved, would “change the character of the Town.” Chairman Rhinemiller indicated that it was unlikely that 600 units would ever be developed and stated that he expected one project in the foreseeable future.

Member Mach cited a 2014 Berkshire Regional Planning Commission (“BRPC”) study that suggested that affordable housing in downtown corridors were not recommended. He stated that the Town already has enough affordable housing and actually needed higher-end housing. Director Cesan stated that the Town only became interested in the 40R program when it determined that the affordability percentage could be limited, thus ensuring that the bulk of every project was geared toward market rate/higher-end housing. Member Mach stated that the mills in North Adams were developed without 40R and are full. He stated that artists are moving into Adams because the Town has affordable housing and that 40R would work in places like Lee and Great Barrington, but not Adams. Vice Chairman Krzeminski stated that younger

generations come to town for two (2) to five (5) years and are not looking for houses, but rather want apartments. He stated that 40R would allow for more housing units for that demographic.

Member Mach stated that the state incentive payment is the main reason this proposal is being considered. Chairman Rhinemiller stated that the program has merit without the incentive payments.

Member Moderski asked if any developers had come to the Town to discuss properties proposed to be included in the Smart Growth District since the Planning Board has been considering the issue. Director Cesan stated that she had spoken to potential developers for several properties, but not to 40R specifically.

Member Moderski asked what other incentives are available to developers. Director Cesan stated that portions of the Town are designated as an opportunity zone and new market tax credits are available, but not much else. She further stated that the state has prioritized 40R.

Seeing no further discussion, Chairman Rhinemiller called for a motion. A motion was made by Vice Chairman Krzeminski, seconded by Member Gazaille, to approve the Amendment to the Zoning Bylaw to create a new Article IV, Section 125-4- entitled "Smart Growth Overlay District" and to Amend the official Zoning Map of the Town of Adams by creating a 40R Smart Growth Overlay District consisting of four (4) subdistricts. There was no further discussion. Motion passed 3-2 with Chairman Rhinemiller, Vice Chairman Krzeminski, and Member Gazaille in favor and Members Moderski and Mach opposed.

Adoption of Design Guidelines for Smarth Growth Overlay District. Member Moderski expressed concerns with the document that was presented at a previous meeting. Senior Planner Kevin Towle agreed to redo the document to address the concerns and place the discussion of the Guidelines on the agenda for the Board's January meeting.

NEW BUSINESS:

Approval of Minutes: July 29, 2019 Public Hearing

A motion was made by Member Mach, seconded by Member Gazaille to approve the minutes of the July 29, 2019 Public Hearing. There was no further discussion. Motion passed unanimously.

ADJOURN: A motion made by Member Mach, seconded by Vice Chairman Krzeminski to adjourn the meeting at 7:40 P.M., passed unanimously.

Respectfully Submitted,

Recording Secretary

Date