



Franklin Regional Council of Governments

Franklin Regional Planning Board— *MINUTES*

Date & Time:	Thursday, March 28, 2019 / 6:00 – 8:00 p.m.
Location:	JW Olver Transit Center, 12 Olive St., Greenfield, MA – 1st Floor Conference Room
Facilitator:	Thomas Hutcheson, 1 st Vice Chair; Thomas Miner, 2nd Vice Chair

FRPB MEMBERS PRESENT:

- Thomas Hutcheson**, 1st Vice Chair, Greenfield At-Large, FRPB Executive Committee
- James Basford**, Orange At-Large, FRPB Executive Committee, FRPB representative to the FRCOG Council and Executive Committee
- Julia Blyth**, Northfield Select Board, FRPB Executive Committee, FRCOG Council
- Ted Cady**, Warwick Planning Board, FRPB Executive Committee
- Jennifer Gross**, Wendell Select Board
- Jonathan Lagrèze**, Colrain Select Board
- Thomas Miner**, 2nd Vice Chair, Shelburne At-Large, FRPB Executive Committee
- Micki Paddock**, Shutesbury At-Large
- Mike Shaffer**, Erving Planning Board
- Joseph Strzegowski**, Conway Planning Board
- David Travers**, Heath Select Board
- John Ward**, Gill Select Board, FRCOG Council alternate
- Chuck Washer**, Shelburne Select Board

FRCOG STAFF PRESENT:

- Peggy Sloan**, Planning & Development Director
- Liz Jacobson-Carroll**, Administrative Services Assistant
- Alyssa Larose**, Senior Land Use & Natural Resources Planner

PRESENTERS/GUESTS:

- Katharine Lacy**, AICP – MA Housing Partnership

1. Introductions	T. Hutcheson, 1 st Vice Chair – FRPB & FRPB Members
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T. Hutcheson convened the meeting at 6:02 p.m. A round of introductions followed.

2. Review and Approval of January 24, 2019 FRPB Minutes	T. Hutcheson, 1 st Vice Chair -- FRPB
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T. Cady moved to adopt the 1/24/19 minutes, J. Strzegowski seconded the motion, and the motion passed with 5 abstentions. (Hutcheson, Lagreze, Paddock, Shaffer, Washer)

3. Presentation on Inclusionary Zoning Survey & Local Action Units	Katharine Lacy, AICP – MA Housing Partnership
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K. Lacy described the MA Housing Partnership (MHP) as a quasi-public agency founded in 1985, which works to attract private investment to increase affordable housing in the Commonwealth. Programs include permanent financing for rental housing, a mortgage program, a center for housing data, and a community assistance division. Lacy's own work focuses on fostering local leadership and providing technical support to municipalities, non-profits and local housing authorities to increase the supply of affordable housing. K. Lacy encouraged local officials to attend the MA Housing Institute training on June 5 & 6 in Devens, and to investigate the search capabilities of the housingtoolbox.org. Further, she announced the rollout of DataTown, MHP's portal that enables one to look up specific statistics for individual towns/regions/states, such as the distribution of income, housing units by type, demographics, etc. The data indicates that MA has surpassed California and New York as the most expensive location for housing nationwide.

Representatives from local ZBAs may contact K. Lacy to request the help of a 40B consultant in writing inclusionary housing (IZ) bylaws. IZ programs and policies yield affordable units within market rate housing. Policies can generate fees for affordable housing from market rate commercial residential development, Lacy added, noting that this is more relevant in the Boston area than in Franklin County. Data shows that the number of jurisdictional IZ programs in MA represent 27% of those nationwide, in part because the Commonwealth has an unusually high number of jurisdictions. Counting all units built via Chapter 40B, MA has 32,188 affordable units in 233 municipalities. Planners are now looking at the states with the highest prevalence of inclusionary housing to determine what methods are working; MHP has volunteered to be a local partner.

Examples from the bylaws of the 238 of 351 towns in MA (10 in Franklin County) that have some form of IZ include:

- a town-wide provision requiring 10% of residential developments be affordable
- a downtown overlay district allowing mixed use if 15% of housing built is affordable
- a provision requiring that 10% of all multi-family units be affordable
- a 40R district with mandatory 20% affordable housing
- an open-space residential district allowing greater density through the inclusion of affordable units.

Despite the existence of these and other IZ bylaws, not much is being built. K. Lacy and a graduate student have recently developed a comprehensive survey for the 238 towns, and have plans to ensure a high rate of return.

K. Lacy went on to describe the State's subsidized housing inventory (SHI) and local action units (LAUs). MA has set a goal of 10% SHI for every town, and has stipulated household income/asset limits and cost limitations, as well as adherence to the Affirmative Fair Housing Marketing Plan, regulatory agreements, deed restrictions, and ongoing monitoring. LAUs include affordable housing built outside of a comprehensive permit (40B) or pursuant to a local action or Local Initiative Program (LIP), subsidized by Dept. of Housing and Community Development. LAUs are eligible for inclusion on the SHI. Local action may stem from a zoning provision, a condition of a Special Permit, the donation of municipal buildings or land, or the use of local funds such as Community Preservation Act money for affordable housing. The most effective local actions, K. Lacy emphasized, are feasible, flexible, fair, and without too many restrictions. She encouraged attendees to seek help in developing them from their RPAs, MHP and the Dept. of Housing and Community Development, and to ensure that units remain

affordable in the long term through a restriction recorded with the Registrar of Deeds. P. Sloan noted the importance of updating zoning bylaws *before* a developer initiates a project.

There was discussion of the difficulty, even for commercial developers, to build affordable housing due to the cost of building-out infrastructure. K. Lacy is hoping that innovations, such as shared sewer systems, will soon begin to address this. P. Sloan would like to see the state develop a sewer/water fund to assist towns, and to encourage investment in infrastructure through MassWorks. Further difficulties mentioned included the lack of cell-phone coverage, a dearth of contractors, and no local lenders involved in the programs, though K. Lacy noted that lenders often sign-on to the programs when asked by local individuals. The importance of understanding the local real-estate market and economies of scale, and the counting of rehabilitated vs. built units were also discussed.

K. Lacy indicated that Linda Dunlavy’s work with the Rural Policy Committee may yield important legislative fixes to some of the issues discussed. T. Hutcheson thanked K. Lacy for her informative presentation.

4. Updates on Short Term Residential Rentals, FERC Relicensing of the Northfield Mountain Pumped Storage Facility & Recreational Marijuana Bylaws	P. Sloan, Planning Director – FRCOG
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While the FRCOG’s concern has been primarily with the relicensing of the Northfield facility on the CT River, staff have joined with the Connecticut River Conservancy in the discussions regarding relicensing of the Bear Swamp hydroelectric facility on the Deerfield River in Rowe and Florida, P. Sloan said. Interested FRPB members can search for and read the documents on-line, noting that the process is well underway and moving more quickly than the relicensing of the Northfield Mountain pumped storage facility.

With respect to the Bear Swamp facility, the Deerfield River Watershed Council has filed letter with FERC regarding the overuse, lack of sanitary facilities, and resulting environmental impacts at the Shunpike Rest Area in Charlemont. Sloan noted that other stakeholders including the State and local environmental organization are requesting the creation of a better warning system to address the rapid changes in water levels to improve public safety, increased access for fishing, hunting and wildlife viewing, and modifications to water releases that threaten rare species. Sloan noted that the owner, Brookfield Renewable power company, is requesting that over 1,200 acres come out of limited protection from development.

With respect to the Northfield Mountain Pumped Storage facility, P. Sloan reported that FERC granted FRCOG and other stakeholders’ request for an extension to the comment period regarding the corporation’s sudden proposal in December to change the ownership structure of all five dams in the area. FRCOG then submitted comments prior to the new February deadline, and is awaiting FERC’s ruling. T. Miner noted that every Intervenor in the process has opposed the plan to divide the license into multiple LLCs, and that the corporation has been quick to challenge each of them. P. Sloan noted that Kimberly MacPhee is coordinating the FRCOG’s efforts and interested FRPB members should contact her directly. Also, conversations between FERC and stakeholders focused on erosion-related

topics have re-started, and the latter are aiming for an agreement that requires more comprehensive monitoring and mitigation.

P. Sloan reported on FRCOG’s successful workshop on short-term rentals, and summarized its content. She reviewed a Short-Term Rental FAQ page from Mass.gov. (see handout), and referred attendees to related local information on the FRCOG website(www.frcog.org). Towns can impose an occupancy tax, an excise tax of 0-6.5%, and a community impact fee. Towns concerned with impacts of short-term rental units may want to consider zoning regulations utilizing Special Permits. P. Sloan noted she is available to meeting with Planning Boards upon request.

J. Gross initiated discussion on several topics raised in the workshop. Regarding the definition of a bed and breakfast establishment, P. Sloan indicated her understanding is that a rental business with three or fewer units is likely subject to the state tax, but noted that the wording of the legislation is confusing. Regarding health and safety inspections, J. Gross suggested that towns consider the various responsibilities of the Board of Health, Building Inspector, and Fire Department when writing bylaws. Sloan noted that some towns are adding provisions for short-term rentals in their zoning bylaws, while others are doing so in their general bylaws.

Summarizing recent activity pertaining to the recreational marijuana industry, P. Sloan said that some towns have adopted amended bylaws while others are in the process of (or considering) doing so. More specifically, Colrain is developing zoning bylaw revisions and has received an application from a marijuana cultivation business; a retail establishment is opening in Greenfield next week, while another is anticipated in Orange; Conway has heard from two businesses interested in outdoor cultivation; and Charlemont is considering bylaws, she reported. She encouraged Planning Boards to contact her if assistance is needed.

Sloan noted that marijuana parties, advertised on-line and requesting donations at the door, are of concern to local police as the Cannabis Control Commission currently has limited capacity to enforce State law. Also discussed was the growing interest in hemp cultivation and potential problems with cross-fertilization from marijuana plants.

J. Gross and T. Miner, thanked FRCOG staff and remarked on the quantity and quality of work done on behalf of the towns.

5. Nominations & Vote for At-Large Member – J. Baronas, Deerfield	P. Sloan, Planning Director -- FRCOG
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J. Baronas is stepping down from Deerfield Planning Board, P. Sloan said, but would like to remain a member of the FRPB.

T. Cady moved to nominate and vote for J. Baronas to become an At-Large Member, T. Miner seconded the motion, and the motion passed with an abstention from D. Travers.

6. Other Topics Not Reasonably Anticipated 48 Hours in Advance of the Meeting/Adjourn/Public Comment	T. Miner, 2nd Vice Chair - FRPB
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There were no additional topics raised, and no public comments.

J. Basford moved to adjourn the meeting, T. Cady seconded the motion, and the meeting adjourned at 7:22 PM.

Documents Distributed / Presentations Viewed:

- Agenda
- FRPB Minutes, January 24, 2019 – DRAFT
- “Inclusionary Housing Update/Intro to Local Action Units, FRCOG, March 28, 2019”, by Katherine Lacy, AICP, Massachusetts Housing Partnership
- Massachusetts Housing Partnership Community Assistance flyer
- Local Action Units (LAU) Guidelines, MHP
- DataTown + housingtoolbox.org flyer
- Letter from FRPB Exec. Committee to Secretary Kimberly D. Bose, FERC, 3/25/19
- Short-term rentals frequently asked questions, mass.gov

Copies of all documents are available. Please contact Liz Jacobson-Carroll at ljc@frcog.org or 413-774-3167 x101.

The next meeting is Thursday, May 23, 2019 in the J.W. Olver Center’s Allen Meeting Room.

Respectfully submitted,

Gisela Walker, Clerk - FRPB