

West Stockbridge Planning Board
Meeting Minutes for January 16, 2023
Hybrid Meeting (Zoom and In Person)

Planning Board (PB) members present: Dana Bixby, Ryan Beattie, Andrew Fudge, Chris Tonini

PB member present via Zoom: Sue Coxon

Others in attendance: Keith Torrico from Grenergy Solar

The chair opened the meeting at 7:02 p.m.

Approval of Minutes

- December 19, 2023 – approved (1st: Chris, 2nd: Andrew; Roll Call Vote: Sue, yes; Ryan, yes; Andrew, yes; Chris, yes; Dana, yes.)
- Executive Session, December 19, 2023 – approved (1st: Andrew, 2nd: Chris; Roll Call Vote: Sue, yes; Ryan, yes; Andrew, yes; Chris, yes; Dana, yes.)

The board reconfirmed by consensus the following upcoming meeting dates: January 29, 2024, and February 12, 2024.

The chair introduced the new PB administrative assistant, Carol McKenna, to members of the PB who hadn't yet met her.

Zoning. The chair reported that she had received an email from Kathleen Kersey about a Select Board (SB) meeting agenda item: Andy Potter's interest in a short-term rental (STR) bylaw, so that short-term rentals (STRs) could be taxed. The chair told Kathleen that the PB had done work on STR zoning regulations and had decided to recommend that there be a zoning bylaw and a town bylaw. The chair advised that she thought that the PB should ask the SB to take the PB's work on zoning into account and consider adopting the town bylaw, as well as work toward adopting the zoning portion.

The chair reported that she had a Zoom meeting with CJ last Friday. He made her aware of a housing bond bill that aims to regulate accessory dwelling units (ADUs) in MA. The chair sent information explaining the bill to the PB members. She reported that CJ suggested that the PB hold off on working on ADU zoning regulations.

The chair advised that she would try to reach out to CJ before the 1/29 PB meeting for his input regarding STR regulations.

The chair asked Keith from Grenergy about the STR regulations put in place in Mount Washington, where he is on the SB. He said short-term rentals are permitted only if the dwelling is your primary residence.

Continuation of Public Hearing

At 7:15, the chair opened the continuation of the public hearing for a special permit application by Grenergy Solar for a small-scale ground-mounted solar installation at 32 High St. for Paul Wetzel and Rebecca Finch. The board members visited the site on December 23, 2023, at 9 a.m. The chair suggested to Keith that, for better solar access, the installation could be placed closer to the road than the 83-ft setback shown in the application, and that it would look best near or aligned with the garden. Keith agreed with both suggestions.

The chair proposed two conditions as follows:

1. All construction should comply with any and all building codes, zoning regulations, and any other applicable codes, and that the applicant shall obtain all required permits.
2. The system should be no closer than 70 ft from the front property line.

The chair asked for motions and a vote to accept these two conditions.

(1st: Chris, 2nd: Andrew; Roll Call Vote: Sue, yes; Ryan, yes; Andrew, yes; Chris, yes; Dana, yes.)

Conditions approved.

The chair asked for motions and a vote to close the public hearing.

(1st: Andrew, 2nd: Chris; Roll Call Vote: Sue, yes; Ryan, yes; Andrew, yes; Chris, yes; Dana, yes.)

Public hearing closed

Section 6.3.4 Findings: The Chair read the required findings into the record, and with permission from the board asked for a vote on findings 6.3.4a,b,c,d,e as a group:

- a. Is in compliance with all provisions and requirements of this bylaw, and in harmony with its general intent and purpose;
- b. Is essential or desirable to the public convenience or welfare at the proposed location;
- c. Will not be detrimental to adjacent uses or to the established or future character of the neighborhood;
- d. Will not create undue traffic congestion, or unduly impair pedestrian safety;
- e. Will not overload any public water, drainage, or sewer system or any other municipal facility to such an extent that the proposed use or any existing use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting public health, safety, or general welfare

The chair asked for motions and a vote to make an affirmative finding for required findings 6.3.4.a-e.

(1st: Andrew, Ryan; Roll Call Vote: Sue, yes; Ryan, yes; Andrew, yes; Chris, yes; Dana, yes.)

6.3.4 findings made in the affirmative.

The chair asked for motions and a vote to grant the Special Permit with the two approved conditions.

(1st: Ryan, 2nd: Chris; Roll Call Vote: Sue, yes; Ryan, yes; Andrew, yes; Chris, yes; Dana, yes.)

Special Permit granted with conditions.

The chair advised the applicant that once minutes are approved, which form the basis of decision, the decision would be filed with the Town Clerk, who will then certify the decision once the 20-day appeal period expires and no appeals are made. The applicant must then record the certified decision.

The chair asked if there was any other business to discuss. Ryan reported that Marie Ryan confirmed that it was not necessary for the PB to draw up an employment contract for the new administrative assistant.

The chair told the PB that TurnPark Art Space met with the SB for an annual renewal of their entertainment license. TurnPark told the SB that they planned to have more events than in previous years. Brian Duval (zoning enforcement officer) told TurnPark he thought they wouldn't need a special permit because they currently hold a special permit for museum and restaurant use, which allows them to have some incidental entertainment as part of the museum use. The chair reminded the board that it is not the PB's job to interpret the zoning.

Speaking about the Master Plan (MP), the chair praised BRPC's CJ Hoss. She urged the PB to review the MP draft well to prepare for voting on it. She reported that the MP draft is almost done, except for the Housing and Economic Development chapters. She said BRPC has the funds and the time to help the PB finish it.

The PB discussed receiving an email regarding conflict-of-interest training and a questionnaire that they are required to respond to.

By consensus, the meeting was adjourned at 7:31 p.m.

Respectfully submitted by

Carol McKenna (PB administrative assistant) on January 25, 2024,

for Ryan Beattie, Clerk

Approved at Jan 29, 2024 PI Bd Mtg (cm)