

**Minutes of**  
**The Williamstown Planning Board**  
**TUESDAY, DECEMBER 8, 2015**  
**7:00 p.m. at the Municipal Building**

**Members Present:** Amy Jeschawitz, Sarah Gardner, Ann McCallum, Elizabeth McGowan, & Chris Winters.

**Others Present:** Andrew Groff, Louisa Volpi, Joan Blair, Sherwood Guernsey, Paul Harsh, Elizabeth Kolbert, Carol Guernsey, John Tatro.

Ms. Jeschawitz opened the meeting at 7:00 PM.

**MINUTES**

*Ms. McCallum moved to approve the October Minutes.*

*Mr. Winters seconded.*

*The Motion carried with 4 in favor and 1 abstention, (Gardner).*

**ANR**

**Ide Road: Howard**

Louisa Volpi of Guntlow and Associates explained that this ANR is required to permit a land swap. There are no zoning issues with the swap. The Gold property at a depth of a few feet will be transferred to the Howard property. No new parcels are created.

*Mr. Winters moved to find that Approval is Not Required under the Subdivision Control Law for the Plan of Land for Russell and Christina Howard.*

*Ms. Gardner seconded.*

*The motion carried unanimously.*

**OLD BUSINESS**

**Waubeeka & Five Corners**

Ms. Jeschawitz introduced the proposal and stated that the Board has been doing quite a bit of work on the proposal and this meeting is for the Board to really start to make some decisions on the proposal following the excellent community input on the proposal so far.

Ms. McCallum stated she has met with Bernie English (former Orchards manager) and has been doing a lot of thinking about the issue. One major problem is that a hotel is difficult to operate in this area. Hotels struggle here economically so the issue is that there is a distinct possibility that the Town will end up with a hotel it does not want, the "Equinox Hotel" of everyone's dream.

Ms. McCallum added that there is also a spot zoning argument here. This is a potential concern. Additionally there will be a lot of discussion at Town Meeting as folks might be very concerned.

Ms. McCallum added that at a difficult Town Meeting, she would not be able to strongly support a bylaw amendment.

Ms. McCallum asked the other Board members for their thoughts on the issue.

Ms. Gardner stated that this is her first Board meeting on this issue and asked for background.

Mr. Groff stated that Mr. Deep and Atty. Parese approached the Board looking to add additional revenue at the golf course. Much community input and work between Mr. Groff and Ms. McCallum has resulted in where we are today.

Ms. Gardner asked why the overlay was decided upon, not a basic district.

Mr. Winters noted it was because the community did not support the idea of a zoning district more broadly focused on the Five Corners Area.

Mr. Groff added that it was also constructed as an overlay because this is likely to survive any spot zoning challenge in the court system, as it seems to meet the balancing test used by the courts. A base zoning district just for the Waubeeka Land LLC parcels would likely not survive.

Ms. Jeschawitz stated that she would like to proceed with this proposal. There is potential in this neighborhood, Green River Farms used to be vibrant, the Store at Five Corners used to have much more activity. The Economic Development Report stated that our fear of these proposals is one of our major problems. The Planning Board's job is to plan, we need to not be afraid to have conversations and do what we think is best. Additionally, Mr. Deep is in fact the person who has approached the Board. What the Board is doing right now is for the future for other owners, for future residents. The Board must come to agreement as a Board and community to make the property

and the community better.

Mr. Winters stated that the Board represents the entire community not simply a particular part of town. As elected officials we must ask if this or any proposal is good for the town. Will a proposal make us a better place for the entire town?

Ms. McGowan stated that what Ms. McCallum just stated is concerning. The proposal initiated in order to fuse energy into this particular corner of town. There is some excitement in this corner of town with the new Store at Five Corners and there is a plan to re-open Green River Farm and their store. There are, however, at the same time concerns. Additionally there is no guarantee that if a hotel is built investors and visitors will come. However, infusing an area with economic vitality could be positive.

Ms. Joan Blair, Oblong Road, stated that she is pleased as a voter that this project has been an active and open dialogue.

Ms. Blair stated that some folks do not separate emotion from fact and some people really do not know what they are doing. Importantly it is compelling that we are learning as we move along. We should also note that the neighborhood is saying we support Mr. Deep in allowing a hotel; most importantly this effort is to preserve a rural character in the area as well as provide tax revenue from the development.

Ms. Blair stated that upon seeing the large zoning district for the whole neighborhood there was consensus that a small overlay was a good idea. Now there are new ideas. We need facts, for instance how much tax revenue comes from Rural Residence Two? We need this type of information. In actuality at the end of our process the market will define the outcomes.

Ms. Blair added that there is a schism between the Planning Board and the Zoning Board (ZBA). If the ZBA is inflexible because of a law, that is something that could be changed too.

Atty. Sherwood Guernsey of Hancock Road stated that dialogue is important. The Planning Board is doing a great job by hearing input. The residents of the area are in the dark on this issue, this is a concern. Mr. Deep has been told that this process would be easier if there were plans in hand, if there was a marketing study. What will this really look like, who are the business partners? These are the things that will really drive these decisions and as we go forward we should be able to see this information.

Atty. Guernsey added that there are risks not just with the present proponent but in the future as well. We can't know the future for sure but we also cannot vote for something that is a total unknown. We do not have enough facts to support this change. We need to wait and receive more information.

Atty. Guernsey stated that it is unclear if people from all over town have attended these meetings, but it is most likely the people to be impacted. However it should be noted that South Williamstown is the gateway to this community and this is critical. The protection of this is critical, progress has been made. This is not to say that the Economic Development Report is important. It is in fact critical, Spring Street needs attention. However we should not develop South Williamstown without more facts and more study and more information.

Ms. Gardner asked about the size of the overlay district.

Mr. Groff stated that the overlay district is the same size as the three parcels owned by Mr. Deep. The concept here is to extend open space protection to the entire parcel as a method of land protection through zoning. Permanent restriction is likely not an option as most land conservation organizations would not want to hold a golf course. This also allows the ZBA flexibility to approve a building envelope following careful consideration of engineering factors. Additionally it provides a key piece of the community benefit necessary to meet the balancing test as to ensure a spot zoning challenge would fail.

Ms. Blair stated that she was concerned that the size of the overlay district has increased.

Mr. Paul Harsch, of Flora Glen Road, stated that he has heard the struggle of overlay versus zoning district. Has the concept of creating a new district that limits the area that the hotel can be built been explored.

Mr. Winters stated that including additional parcels such as the Store at Five Corners and the Green River Farms and other properties is a better approach.

Ms. Jeschawitz stated that the other method is the proper way to go about this.

Mr. Winters added that some of these businesses have been in existence for 150 years.

Ms. Jeschawitz noted that the drafts that have been distributed are two different copies. There are highlighted differences between the two.

Ms. Jeschawitz stated that it is important to note that no developer is going to give us a well-developed proposal at this stage. The Board needs to continue define the rules by which a developer can apply for a hotel.

Mr. Winters added that a very complex process will begin involving multiple boards including the ZBA to permit the project.

Ms. Elizabeth Kolbert, Oblong Road, expressed concern with the impact of the proposal on the south Williamstown community.

Ms. .Carol Guernsey, Hancock Road, stated that she is concerned about the economic viability of the proposal and

of unintended consequences.

Ms. Gardner stated that zoning changes should not be done for individuals. If the town decides the town wants a particular use that is a statement of the community's interest.

Mr. Winters stated that nothing is lost by allowing Town Meeting to hear the proposal.

Mr. John Tatro of Hancock Road stated that Mr. Deep is trying hard to keep the golf course. This is one of the best things in South Williamstown. It really is a beautiful place. We should just give him a chance. Additionally the Five Corners area needs something. We need some help. Look at the North Adams Country Club, it is now a sandpit. We need to give this place more opportunity.

Ms. Gardner stated that this Board should be addressing more issues with this than simply the golf course. There are problems down at the Five Corners. The farm isn't viable, the store has issues. There wouldn't seem to be much impact by re zoning the area to business. It is already business.

Ms. Jeschawitz and Mr. Winters expressed agreement.

Ms. Blair stated that there could be unintended consequences.

Ms. Jeschawitz stated she discussed doing a community outreach session where folks can discuss these issues. This is something we can bring into the conversation about the Farm and the Store. This could be structured similarly to the way the Economic Development Committee did their forums. This could lead to less confusion and clearer decision making.

Ms. Blair stated she does not know what the role of the Planning Board is; the feeling right now is that the Board is trying to undermine economic entrepreneurial interests why is the Board not allowing these important considerations to be heard. We need to look and see how re zoning changes real estate tax income. What occurs if the development fails and it reduces overall tax burden. There is no math here and this Board is too philosophic.

Ms. McCallum stated that if this golf course is hemorrhaging money and we're expecting the hotel, a difficult business, to bail out a hotel. What are we doing?

Mr. Winters stated that with literally nothing at stake, we are undercutting the judgment of a businessman who is putting everything on the line?

Ms. McCallum stated she does not want to stifle business growth.

Mr. Winters stated we should not.

Ms. McCallum stated she is simply concerned that we cannot control the outcome of this process as she originally thought.

Mr. Andrew Hogeland of Cold Spring Road stated that he has gone through the map analysis on a base district versus an overlay district. No one has said an inn is a bad idea. In focusing on an overlay district the issues get narrowed and the discussion is focused on immediate need. In terms of getting something positive accomplished the Board should focus on the overlay. Going back to the larger district is against the political reality. The skepticism is real. The idea that there will ever be a hotel there is entirely remote. However there is a scenario that there could be an eyesore on site at some point but there aren't really ways to prevent that.

Mr. Hogeland stated he is also sympathetic to the discussion on planning. The long term discussion that this is the gateway to the community, we don't want to change this area of town. When someone walks into the room and asks to build a hotel that is reactionary, not planning. Additionally a major concern is no one is saying "this is what we're doing" we need to have some impact on what actually occurs on this site. This is materially different from the Williams Inn question as we have seen the College engage in a thoughtful long term process including market studies. This has shown there are too many rooms in the community there is little reason to add more.

Additionally, there are more than 600 rooms to be built in South County soon this should be impactful as well.

Mr. Winters stated that if we do not give the opportunity for a developer to do these studies and investigate this we will simply lose the opportunity entirely.

Mr. Hogeland stated he is also mindful of other work the Board is engaged in on home offices, health care, housing, etc. The Board should focus on what will be successful.

Mr. Deep stated that he owns the Waubeeka Golf Links he has owned it for two years. The course was a great opportunity, and it was purchased simply because the previous owner, Mr. Goff would have done a survey of the property and created 11 housing lots, by right. This is the other option. There are two places within Williamstown. One is Waubeeka and the other is the Hopper, the community and Atty. Guernsey has done a masterful job of protecting these assets. However if the community wants to prevent anything from happening the outcome is 11 homes.

Mr. Deep stated that a neighborhood meeting could be helpful. This could even be held at the Waubeeka and then folks can see the problems with the current building. If a meeting is held at Waubeeka the Board can see exactly where the inn will be located. The size is likely between 120- 80 rooms. A feasibility study will be done with reasonable expectation that the zoning will allow a specific outcome. Following this study the developers will be selected and a long process with detailed specific plans will be presented to the board and the board can then

approve or disapprove the specific development. The overall vision is that this will be better than the old Idlewild Hotel.

Mr. Deep further noted that he feels he is giving the Economic Development Commission precisely what they are asking for.

Ms. Gardner asked if the golf course has to be reoriented and where the facility will be placed.

Mr. Deep stated he wants to tear down the existing building entirely. The new facility will be located on 3 acres that is 20 feet depressed below the average elevation of Route 7. Due to the topography this is likely to be shorter than the existing clubhouse. This site will be better than what it is now, energy efficient, hopefully net zero, and more visually appealing.

Mr. Deep further added that the development is not asking for more fire protection, water service, school attendance, etc. He is proposing a major investment that will add about \$300,000 in tax revenue to the town.

Mr. Deep added that if this should pass at Town Meeting he will return to the Board for further permitting. If the work is allowed by Town Meeting many Boards and the state have to have a bite at the apple.

Ms. McCallum stated she drove through the maintenance shed area is this the location?

Mr. Deep stated that he will put it halfway between the shed and the clubhouse.

Ms. McGowan stated that there are many south county hotels under construction. The Williams Inn is 120 rooms and not viable year round. It is important to consider the overall size of the facility to reap benefit and logically how large can it possibly be given the market.

Mr. Deep stated he will approach a developer by noting upfront that there is zero acquisition cost on the land. The lease will be long term and he will use 10% of the operation's gross sales to sustain the golf course. Additionally there are many different potential investors who might be interested in this, local ones as well.

Ms. Ann Hogeland, Cold Spring Road, stated that she is concerned that 75% of the district is to be restricted that means 50 acres are unrestricted? Further the concerns that the unintended consequences on the rest of the community really needs to be considered especially on businesses in the downtown.

Ms. McCallum asked about Ms. Hogeland's observation on the 7 & 43 intersection.

Ms. Hogeland stated the Dept. of Transportation (DOT) has said that a stoplight is not possible at this location as it will increase the danger of the intersection. If a real stoplight cannot be placed at the site. We are only left with signage and islands and even with these improvements there are still serious problems at the site.

Ms. McCallum asked the Board what their approach is.

Ms. McCallum asked if the existing land use pattern of the site can be defined.

Mr. Hugh Daley, Southworth Street, stated that the Board should work backwards from the proposal.

Mr. Daley added that a major piece of the report was to increase odds of development. It is important to recognize that this Board has that power. The Board needs to create rules we can live with and then let entrepreneurs try.

Ms. Gardner stated she likes the idea of having a community discussion.

Ms. Jeschawitz stated that these conversations have only been held in this type of forum.

Ms. Gardner stated that this could be an open and productive forum with maps and broad based discussion. Right now there is not a clear answer and we really need to see more economic data.

Mr. Winters stated that the Board should host an outreach session as soon as possible.

Mr. Groff stated that the Board has to work backwards from March. February '16 is a target date to deliver the Board of Selectmen a proposal to start the regulatory clock.

Ms. Jeschawitz reiterated that this session has to be done before the next meeting.

Ms. McCallum asked who will prepare the maps.

Ms. Jeschawitz stated the Planning Board will prepare the maps; they will be for discussion purposes.

Ms. McCallum stated that at a minimum there should be footprints of proposed buildings.

Mr. Winters stated that we can't look at that yet, we can't design the hotel and it is also dependent on the outcome of this process. We can also show what an ANR subdivision looks like. Something has to occur on this site.

Mr. Harsch stated that this plan would represent something unique about Williamstown. This plan needs a country inn it will be unique, this will have a big appeal. It can truly enhance Williamstown.

Atty. Stan Parese stated that he would recommend that doing a get together and outreach session on Sunday.

Ms. Gardner asked what the Board is doing. A site visit? An outreach session?

Mr. Winters noted that a site visit can be done Sunday and a big outreach session can be done on the 12<sup>th</sup> of January.

*Ms. McGowan moved that the Planning Board hold a site visit on the Waubeeka Property, convening at the clubhouse, at noon on Sunday.*

*Mr. Winters seconded.*

*The motion carried unanimously.*

**Housing Policy Study****Office Space Zoning**

Mr. Winters introduced the idea to separate the description of office space not as between professional type offices and others but to delineate between medical and others as medical offices have an acute traffic impact. Additionally offices 500 square feet and less would be allowed by right in residential zones as this is a low impact. Medical offices would not.

Mr. Winters added that the home occupation bylaw will also be amended to allow home occupations with no added employees and no clients coming to the home by right, all others will be by permit as is custom now, regulations governing the home occupations will remain the same.

The Board expressed support for both of these ideas and agreed to further discuss at the January meeting.

Ms. Jeschawitz adjourned the Board at 9:30 PM.