

# 37 Interlaken



**Proposed Bylaw Amendment Review**

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A Review of our Proposed Bylaw Amendment

## Why a Zoning Amendment?

- Current bylaw allows a hotel or resort, but only permits one single family residence
  - Not financially feasible
- Uses that are allowed require a special permit from the Board Of Selectmen
  - Requires a unanimous vote
  - At least 2 members of the Board Of Selectmen have demonstrated active opposition toward the project and bias against the applicant

## Amendment Process

- Why Submit Petition
  - Board Of Selectmen refused to meet with us
  - Zoning Act specifically invites property owners to submit such petitions
- Why Now
  - Had to submit when we did to ensure it is on the May 2018 Annual Town Meeting Warrant

## Overview of Revised Cottage Estate Bylaw

- Allows Resort/Residential/Agriculture Development
- Allows residential development to be “clustered” to preserve open space
- Requires rigorous site plan review by the Planning Board
- Allows the Planning Board to impose conditions



## Specific Uses Allowed

- Residential
- Agricultural
- Resort
  - Hotel – (up to 100 rooms)
  - Resort Condominium (1 unit per acre)
  - Accessory Resort Uses, such as
    - Conference Facilities
    - Food & Beverage Service
    - Recreational facilities
    - Spa, fitness and health facilities
    - Accessory Retail
    - Artist studios and galleries

## What is “Cluster Housing”

- **Cluster Housing** refers to a development in which homes are situated in groupings relatively close together, to permit preservation of larger areas of open space than would be preserved by carving the property into multiple lots of 2 and 4 acres and developing houses, driveways and associated amenities on each of those lots.

## What is Site Plan Review

- Generally
  - A regulatory process to establish the criteria for the layout, scale, appearance, safety, and environmental impacts of a development project
  - Detailed review of a development plan to ensure it protects the public and satisfies the purpose of the Bylaw
  - Traditionally performed by the Planning Board of a Town

## Site Plan Review Under the Proposed Amendment

- Submission Requirements
  - Grading and Drainage Plans
  - Building site plans and architectural elevations
  - Signage Plans
  - Landscaping Plans
  - Open Space Plans
  - Utility Plans
  - Analysis regarding water usage & availability
  - Parking Plans
  - Lighting Plans
  - Full traffic report with 2-year, 5-year and 10 year projections.



## Site Plan Review Under the Proposed Amendment

### • Standards & Criteria

- Planning Board must make a determination whether:
  - The project preserves historic buildings to the greatest extent possible
  - Prevents pollution of surface & groundwater, minimizes erosion and sedimentation and prevents changes to groundwater levels and runoff
  - Connects to Town water & sewer
  - Provides safe vehicular and pedestrian traffic

## Site Plan Review Under the Proposed Amendment

### • Decision

- If the Planning Board is satisfied with the applicant's submissions, it approves the plan
- The Planning Board has broad discretion to impose any reasonable conditions to protect the Town
- May deny the plan if there are no conditions that can be imposed to protect the public interest per the Bylaw

## Why Site Plan Review?

- Conducted by the Planning Board – far greater expertise in such matters
- Requires a simple majority, rather than a “supermajority” (i.e. unanimous vote of the Board of Selectmen)
- Allows the voters of the Town to determine whether to approve the idea of this project, while leaving the review of the details of the project to the Planning Board

## Does this impact other Regulatory Reviews?

- Any wetland issues must still be reviewed by the Conservation Commission
- Water & Sewer Commission must still approve connections
- Historic Preservation Commission must still approve the restoration of the mansion



### **Does this dramatically alter how the government works in Stockbridge?**

- Following the exact process provided by law to seek a zoning change
- Designates an existing Town Board (Planning Board) to conduct a review similar to reviews it already conducts under the Zoning Bylaw and the Subdivision Rules & Regulations
- Narrowly tailored to address a very specific type of project and can effect only a small handful of properties
  - Specific reasons it makes sense for this project
  - Selectmen will continue to control special permits for other uses

### **Will this jeopardize an aquifer? NO!**

- There is no aquifer under or near this site
- The site is thousands of feet from Lake Averic
- Planning Board can require further information and impose conditions to protect groundwater and surface water

### **Will the Project Turn into a Casino - NEVER**

- Property Owner has no interest or desire to build a casino
- State law prohibits more than **one** casino in Western Massachusetts – MGM Springfield
- This Zoning Amendment would not permit a casino
- The Board of Selectmen would have to agree to a casino
- The Town would have to vote to approve a casino at a Town-wide election

### **Why Should the Town Approve**

- Over \$2.4 Million per year in revenue to the Town
- 115-145 full-time, year-round jobs and another 165-220 seasonal jobs
- Benefits to local businesses that sell to the development and cater to its customers
- Help foster the year-round tourist economy when manufacturing is declining





*Proposal to amend the Stockbridge Zoning Bylaw by deleting the current Section 6.6 “Cottage Era Estate Adaptive Re-Use or Rehabilitation” Bylaw and replacing it with the following new Section 6.6 as follows:*

## **6.6 Cottage Era Estate Development Adaptive Re-Use or Rehabilitation**

### **6.6.1 Purpose**

The purpose of the Cottage Era Estate Adaptive Re-Use or Rehabilitation Bylaw is to facilitate the adaptive re-use, rehabilitation, preservation, restoration and improvement of large scale Cottage Era Estate properties and assembled contiguously owned or controlled land that include an existing principal building originally constructed between the dates of 1870-1920, which are located in the R-2 and R-4 Districts.

In recognition of the significant expense and limited development opportunities associated with maintaining and preserving Cottage Era Estate properties, this Bylaw shall allow uses on Cottage Era Estate properties, subject to site plan approval as set forth herein, in order to encourage appropriate use of land, increase the availability of a diverse selection of housing options within the Town, increase the amenities and recreational opportunities of the Town, encourage preservation of large estate buildings, grounds and open space, foster the Town’s resort and tourism industries, and increase opportunities for local employment and increased tax revenue.

### **6.6.2 Requirements**

Notwithstanding any provision of the Zoning Bylaw to the contrary, the development of a Cottage Era Estate property and contiguously owned or controlled land shall be permitted in accordance with the provisions of this Section 6.6.

### 6.6.3 Allowed Uses

A Cottage Era Estate development may include any mix of the following uses, whether or not such uses are otherwise permitted under Section 4.10 within the R-2 or R-4 Districts:

- a. Residential Uses
  1. One-family and two-family dwelling development and associated amenities, such as clubhouse, swimming pool and tennis courts.
- b. Resort Uses, subject to Site Plan Approval in accordance with the standards and procedures set forth herein
  1. Hotel
  2. Resort Condominium development on properties comprised of at least 100 contiguously owned acres
    - i. For purposes of this Section 6.6, Resort Condominium shall mean a multi-family condominium building or buildings operated in conjunction with a hotel or resort, in which there may be a combination of individually-owned dwelling units and units under the operational control of a managing hotel company. Resort Condominium uses within Cottage Era Estates may include on-site amenities such as food services, cleaning, recreational uses and other hotel-type concierge services.
  3. Accessory Resort Uses, which may be open and/or made available to the public, such as the following:
    - i. Conference and retreat facilities, including facilities for functions, weddings and entertainment
    - ii. Food and drink service, including restaurants, taverns/bars, catering facilities and on-site food delivery
    - iii. Indoor and outdoor recreational facilities, including swimming pools, tennis courts, golf, and walking trails
    - iv. Open space recreational uses, as provided in section 4.10.A.12.
    - v. Spa, fitness and health facilities
    - vi. Accessory retail, including gift shops and boutiques
    - vii. Artist studios and galleries
- c. Agricultural
  1. Greenhouse, nursery, or landscape gardening
  2. Agricultural, viticulture, horticulture or floriculture

#### 6.6.4 Density and Dimensional Requirements

The following dimensional requirements shall apply to a Cottage Era Estate:

- a. **Density Requirements for Residential Uses**—The required land area for allowed residential uses shall be as follows:
  1. One-family and two-family dwellings shall be permitted at a density of one dwelling unit per three acres of the total contiguously owned or controlled land area.
  2. Land area used to satisfy the density requirements for resort condominium units shall be subtracted from the calculation of land area for purposes of calculating allowable residential density. All other contiguously owned or controlled land, including land used for agricultural use, open space, and outdoor recreational uses shall be counted for purposes of both residential and resort condominium density calculations.
  
- b. **Density Requirements for Resort Uses**—The required land area per dwelling unit for resort uses shall be as follows
  1. Hotels may contain up to 100 rooms and suites
  2. Resort condominium units shall be permitted at a density of 1 condominium unit per acre of the total land comprising the Cottage Era Estate.
  3. Land area used to satisfy the density requirements for one-family dwellings shall be subtracted from the calculation of land area for purposes of calculating allowable resort condominium density. All other contiguously owned or controlled land, including land used for agricultural use, open space, and outdoor recreational uses shall be counted for purposes of both residential and resort condominium density calculations.
  
- c. **Dimensional Limitations**
  1. The applicable height limitation shall be the height of the primary preexisting historic building (originally constructed prior to 1920) located on a Cottage Era Estate.
  2. Residential uses which meet the density requirements specified in Section 6.6.4.a may be clustered on the property for purposes of allowing for the preservation of open space and agricultural land.

#### 6.6.5. Resort Site Plan Application Requirements

An application for Site Plan Approval for a resort use shall be submitted to the Planning Board and the Town Clerk. The Site Plan Application shall be accompanied by a fee in an amount which shall be established by the Board of Selectmen. The Site Plan prepared by a registered professional engineer or registered landscape architect on a 1"=40" scale shall clearly illustrate the following:

- a. Grading and drainage plan showing existing and proposed contours. Two (2) foot contour intervals shall be required on areas proposed for resort development and five (5) foot contours shall be required elsewhere on the property. Drainage shall be analyzed utilizing either the TR-20 or TR-55 method and the plan shall show compliance with the Commonwealth of Massachusetts Stormwater Handbook.
- b. Location, size and height of all proposed and existing resort structures and buildings together with schematic elevations;
- c. Location, size and height of all resort signs;
- d. Complete proposed resort landscaping plan;
- e. Location and extent of all open space;
- f. Location, size and type of all resort utilities and sewage disposal systems, including soil and percolation tests demonstrating the suitability of a specific location(s) for sub-surface sewage disposal in compliance with the State Sanitary Code.
- g. Test well results or other data suitable to demonstrate the presence of an adequate water supply.
- h. Location, size and number of parking spaces of resort parking lots (including grass or gravel reserve areas for overflow parking, which may be used for event parking), and resort entrances, exits, aisles, circulation patterns and directional signage; and
  1. A written statement describing in detail the parking generating characteristics of the resort.
  2. A plan drawn to scale showing the various uses within respective floor areas of the resort buildings or structures.
  3. The number of resort employees during the largest work shift.
  4. The number of resort customers, patrons or other visitors expected to be served.
  5. Any other statements to show the actual extent of off-street parking space required or generated by the resort use.
- i. Location, size, number and type of all lights.
- j. Location of and provision for:
  1. Resort parking spaces and access routes
  2. Curbing and wheel stops
  3. Pavement markings
  4. Surfacing
  5. Screening and landscaping

6. Lighting
7. Drainage
8. Loading areas/facilities

k. A traffic report establishing off-site and on-site resort traffic generation and levels of service during construction and projections for such generations and levels of service for two (2), five (5), ten (10) years after completion of the resort project, prepared by qualified engineers.

#### 6.6.6 Site Plan Approval Standards and Criteria

Site Plan Review shall be required for any portion of a property used for resort use. A Site Plan shall be reviewed and approved by a majority of the voting members of the Planning Board. The Planning Board shall review and evaluate the Application and make a determination as to whether it is consistent with the Standards and Criteria listed below. If the Planning Board finds that these Standards and Criteria have been met, the Planning Board shall approve the Application, and may impose reasonable conditions necessary to comply with such Standards and Criteria. The Standards and Criteria are as follows:

- a. The resort development shall preserve to the greatest extent possible the turn of the century historic buildings and seek to provide grounds and developed open space so as to enhance a turn of the century estate property. The Cottage Era Estate resort development shall, to the extent feasible:
  1. Minimize use of wetlands, steep slopes, flood plains, hilltops;
  2. Preserve natural or historic features;
  3. Provide for the preservation of open space;
  4. Preserve or enhance scenic views from publicly accessible locations.
- b. The resort development shall incorporate measures that are adequate to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, and to prevent changes in groundwater levels, increased rates of runoff, and minimize potential for flooding. Drainage shall be designed so that groundwater recharge is maximized, and at the project boundaries the rate of runoff shall not be increased.
- c. The resort development shall be connected to the town sewer, where available, and water for domestic purposes shall be available on the Property through water mains satisfying subdivision standards.
- d. The resort development shall provide for safe vehicular and pedestrian movement within the resort site and to adjacent public ways, including sidewalks, crosswalks and the like.

### 6.6.7 Hearing and Decision

Except as otherwise provided herein, hearings and decisions on Site Plan Review applications shall be governed in all respects by the provisions of Chapter 40A, Section 15 of the Massachusetts General Laws. A site plan approval decision shall take effect upon filing with the Town Clerk.

### 6.6.8 Appeals

Any appeal from a decision of the Planning Board hereunder shall be brought within 20 days of the filing of such decision with the Town Clerk, in accordance with the provisions of Chapter 40A, Section 17 of the Massachusetts General Laws.

### 6.6.9 Ownership

A Cottage Era Estate may be comprised of land and/or buildings held in common or separate ownership.

### 6.6.10 Severability

If any provision of Section 6.6 shall be found invalid for any reason, such invalidity shall be construed as narrowly as possible, and the balance of the Section shall be deemed to be amended to the minimum extent necessary to provide the Town substantially the benefits set forth in Section 6.6.

## AND

*Amend Section 4.10, Table of Use Regulations, sub-section A.36, to revise the principal use description as follows:*

36. Adaptive re-use or rehabilitation of Cottage Era Estates ~~the principal buildings, associated outbuildings and structures, amenities or grounds of a Cottage Era Estate and the construction of improvements at a Cottage Era Estate,~~ subject to the requirements of Section 6.6

*and to replace "SPS" with "YES" in the columns under R-4 and R-2*



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