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An Assessment of the Impact of the Elm Court Project on the character of the Old Stockbridge Road Neighborhood: Critical Questions to be Answered.

1. My name is John R. Mullin, Ph.D., FAICP. I am a professor emeritus of Urban and Regional Planning at the University of Massachusetts at Amherst and President of Mullin Associates Incorporated (MAI), a planning firm located in Pelham, Massachusetts. I am working today as a part of MAI.
2. As part of my academic instructional and research work, I have developed expertise in land use regulations with a particular emphasis on the impacts of proposed development upon the community character of long established neighborhoods. This expertise has been recognized by district courts in Massachusetts and Connecticut, as well as land-use tribunals in Vermont. Among my assignments was serving as an expert witness on the Kelo v. New London eminent domain case that ultimately was heard before the U.S. Supreme Court.
3. Approximately one month ago, I was asked by the Old Stockbridge Road Neighborhood Association to examine the information provided by the developer of the proposed Elm Court Project to determine whether or not the materials submitted met both the spirit and requirements of the zoning by-law of the Town of Stockbridge. To determine this I examined the town's zoning by-law, master plan and the applicant's submitted material.
4. For the record, I was not asked to undertake a comprehensive review or a critique of the quality of all of the submitted material. Rather, my assignment was to determine whether or not, the material specifically submitted on the neighborhood character provision as required for a special permit was sufficient for the Board to make a decision.
5. My conclusion is that the materials are incomplete and lack the depth of data and interpretation necessary to protect the interests of the town.

6. More specifically, I would ask the developer to research and comprehensively answer the following questions before a vote on the application:

a) *Does the project reflect the values of the neighborhood?*

My assessment is that the values of a largely single family neighborhood in a wooded, relatively rural and non-commercial environment has not been analyzed.

b) *Does the project match the scale of development in terms of the built environment that presently exists?*

My assessment is that a hotel of the magnitude that is proposed appears to be diametrically out of scale.

c) *Where is there a definition of the physical character of the neighborhood and its boundaries?*

There is no definition of the neighborhood in the submitted material.

Concerning the physical characteristics, it is a long settled and established neighborhood, marked by the gentle curves and slopes of a narrow scenic road, without the need of sidewalks. It is a place of multigenerational families, committed to place and community, who enjoy the seasons and the natural environment. Their homes can be characterized by steady reinvestment with a significant number relying on their own water and sewer systems. I would ask the applicant to compare these traits with their proposal to determine the degree of compatibility between the neighborhood and the project. It would appear that they are not. See Chart 1.

Chart 1: Compatibility of Neighborhood and Proposed Elm Court Project

Neighborhood	Project
<ul style="list-style-type: none"> • Naturally evolved • Family oriented • Private residences • Personal investment • Natural walking environment • Human/social capital oriented • Many personal sewer/water systems • Residential character • Rural scale • Mixed economy of residence • Scenic road that links the neighborhood 	<ul style="list-style-type: none"> • Planned intrusion • Individual oriented • Transient use • Corporate investment • Automobile oriented environment • Financial capital oriented • Municipal large scale systems • Commercial character • Urban/suburban scale • Touristic economy • Access road for a hotel

- d) *Does the creation of a large commercial development in a neighborhood that overwhelmingly is of a single family residential character reinforce the sense of place that has long been established?*

Given the significant height and mass of the structure, and the commercial resort activities associated with the hotel, it would appear to weaken the character of the neighborhood.

- e) *Does the placement of a hotel with a full service restaurant, spa and conference facilities on a site that has been operating as a Bed and Breakfast business represent a significant change in terms of human activity in the neighborhood?*

The leap from a small Bed and Breakfast to a 112-room franchise hotel is quantum change and appears out of character with the neighborhood.

- f) *How has the history and legacy of the neighborhood been protected by this project?*

With the creation of a sewer line and a possible new sidewalk, it is possible that the road would become far less scenic and possibly lose its gentle curves.

- g) *Will these jobs being offered match the employment needs and provide a living wage for local residents?*

While entry level jobs are certainly welcome in all towns, it is important to assess where the employees are likely to reside. The applicant has not submitted any materials whatsoever regarding wage structure or job definitions, thus it is impossible to evaluate impacts on total employment within either town.

- h) *Does this proposal call for smart growth principles that are designed to respect both the built and natural environment?*

These principles include, among others, the following:

- Directing development to existing community centers
- Expanding shareholder participation in development decisions
- Strengthening a sense of place
- Building in a compact manner juxtaposed to like facilities
- Preserving open space
- Creating walkable neighborhoods

- i) *Has there been an analysis of the commitment of the neighborhood to preserve and enhance the neighborhood through stability and re-investment? Is it a place of transients or of long committed residents?*

It appears that the neighborhood is a place of committed residents while the project would attract transient guests and commuting workers.

j) *What will be the overall impact of the construction of a municipal sewer line?*
It has not been assessed. It should be noted that it is an axiom of planning that the placement of such lines frequently lead to pressure to increase densities and change land-use characteristics.

k) *What will the project site look like at maximum build out? In other words, what other development could occur over time on the site under existing zoning?*

The answer is unclear. A build-out analysis should be completed to understand the full impact of the project.

7. Based on my findings, I can only conclude that the provisions for a special permit, with reference to an analysis of the impacts of the proposed project on the character of the adjacent neighborhood, have not been met. It is my recommendation that the Board delay its decision until the applicant provides a detailed assessment of these impacts for community review.

Respectfully Submitted:

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President

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