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Town of Stockbridge
Special Permit Application

Application is hereby made to the Planning Board by:

Applicant (name): Berkshire Waldorf High School Inc.

Applicant Signature: Teresa O'Brien

Applicant Mailing Address: 14 Pine Street, Stockbridge, MA 01262

On the 16 day of November, 2023 for property shown on the Stockbridge
Assessors Map # 105, Lot # 2

Owner of property:

The First Congregational Church, United Church of Christ, Stockbridge, Massachusetts

Owner's signature: Karen V. Houghton, MODERATOR

Address of property: 6 Main Street, Stockbridge, MA 01262

Mailing Address:

Description of property: Parcels 1 & 2 on proposed survey plan

Present use of property: Old Town Hall, Town of Stockbridge

Project Description: development of new use as a high school – see Addendum

Appropriate Section of Zoning Bylaw: Section 6.2 Off Street Parking

Attach six sets of scale drawings with measurements showing the existing conditions and proposed changes. Also attach six plot plans showing the locations of all structures and buildings with scaled measurements to all lot lines and between all structures, along with a total of five copies of this application.

ADDENDUM

To: TOWN OF STOCKBRIDGE Planning Board

In re: Application of Co-Applicants Berkshire Waldorf High School, Inc and The First Congregational Church, United Church of Christ, Stockbridge, Massachusetts for a Special Permit Pursuant to section 6.2.2 to reduce the minimum required off-street parking and section 6.2.6 to reduce the 50 foot setback requirement for 6 Main Street, Stockbridge, MA

Background:

- 1) The First Congregational Church, United Church of Christ, Stockbridge, Massachusetts, formerly known as the First Congregational Church of the United Church of Christ, also known as First Congregational Church of Stockbridge, also known as the South Congregational Society, a Massachusetts religious corporation (hereinafter Church) and the Applicant, Berkshire Waldorf High School Inc., a Massachusetts non-profit educational corporation (hereinafter "School") entered into a Purchase and Sale Agreement, signed October 25, 2023 whereby the Church agreed to convey a portion of land that includes the Old Town Hall to the School which it plans to convert to a private high school.
- 2) The Church is intending to convey Parcels 1 and 2 shown on the survey accompanying this application, entitled Plan of Land Prepared for Berkshire Waldorf High School, Inc. by Foresight Land Services, Inc. dated 10/30/23 (see Exhibit 1 hereinafter "Survey") to the School.
- 3) There are 13 off street parking spaces on Parcel 2.
- 4) Section 6.2.1 (h) of the Zoning Bylaws of the Town of Stockbridge has the following requirements for Educational Uses "one (1) space for every twelve (12) classroom seats or one space for every three (3) auditorium seats, whichever is greater.
- 5) The school anticipates having up to 80 students, each of which would require a "seat" somewhere in the building. Based upon this estimate, 27 parking spaces would be required.
- 6) The second floor of the Old Town Hall would be renovated but the School intends to keep a meeting room that would have 186 seats. (See Exhibit 2 showing the second floor plan). Based upon this number, 62 parking spaces would be required.
- 7) The School has 3 to 4 full-time employees and 4 part-time employees. The substantial majority of the students do not have a drivers license and of those, very few have cars that they would be driving to school.
- 8) The Church wants to retain ownership of the parking lot on the westerly and southerly sides of Lot 2. As a result, there is not more than 50 feet from their parking spaces to the proposed new westerly and southerly boundaries.

The special conditions that render a lesser provision adequate for the parking needs in this particular case are:

Historically the Town of Stockbridge, as the leaseholder of the easterly portion of the Church property since 1902, shared the parking lot with the Church and when they had annual town meetings, the attendees were always able to find the parking in the area accommodating. The Church has agreed to sell a portion of the land with the Old Town Hall on it to the School for many reasons including that their need for parking is at different times. The School is in session during the week and the Church has their functions on the weekend. In addition, the parking lot is shared with the Stockbridge Golf Club whose needs are in the summertime when the school is not in session. The School intends to allow functions in the meeting room on the second floor on an occasional basis and will enter into a mutual agreement with the Church to accommodate additional parking on their land. In June 2011, Foresight Land Services provided a plan showing the parking spaces on the Church property, entitled "Parking Study for Old Town Hall Reuse" that identified a total of 114 parking spaces. (See Exhibit 3)

The parties are currently negotiating a shared parking agreement that will be presented to the Planning Board at the public hearing on this application. The School is currently renting a building at 14 Pine Street that has 20 parking spaces and there has never been a need for more parking spaces. If required, the School could convert a portion of Parcel 1 to off street parking. In addition, the applicant has filed an application to the Stockbridge Building Inspector for a determination that Berkshire Waldorf High School, Inc. is a non-profit educational corporation entitled to the protections of ***MGL Chapter 40A, section 3 that states in pertinent part: "No zoning ordinance or bylaw shall regulate or restrict... the use of land or structures... by a nonprofit educational corporation; provided however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements."*** In the event the Building Inspector makes the determination that the applicant is a non-profit educational corporation, that status can also form the basis for finding that special conditions render a lesser requirement for the parking needs of the applicant.

The proposed reduction in the number of required off- street parking and side yard set back is in conformity with Section 6.3.6 as follows:

- a. The reduced parking spaces and side yard set back are in compliance with all provisions and requirements of the bylaw, and in harmony with its general intent and purposes. The use as a school is a by-right use. Section 1.3 (b) provides that one of the purposes of the zoning bylaw is to

facilitate the adequate provision of schools.

- b. The proposed reduction in off-street parking spaces and reduced set back are both essential or desirable to public convenience and welfare at the proposed location because it is in the town's interest to continue to support educational use.
- c. The reduced parking spaces and side yard setbacks will not be detrimental to adjacent uses or to the established or future character of the neighborhood. The neighborhood consists of a church, golf course, cemetery, and single-family dwellings.
- d. The reduced parking and side yard setback will not create undue traffic congestion or unduly impair pedestrian safety. There are only a few occasions during the year that more than 13 parking spaces will be needed and it is anticipated that the Church, the School and on street parking along the Main Street will be able to accommodate the parking needs.
- e. The proposed reduction in parking will not overload any public services to the location. The renovated Old Town Hall will continue to be served by a town water and sewer.

By: Lori A. Robbins

Lori A. Robbins, Esq.
Heller & Robbins PC
36 Cliffwood Street, P.O. Box 823
Lenox, MA 01240
413-637-2255



