

**Town of Lenox
Planning Board
Meeting Minutes
November 14, 2023
6:00 pm
Town Hall Land Use Room**

Documents available at meeting: Agenda, Slides prepared by Tom Delasco, Form A/ANR Plan – 474 Pittsfield Road

Members present: Tom Delasco-Chair, Kate McNulty-Vaughan, Susan Lyman, Jim Harwood

Members present via Zoom: Pam Kueber

Others: Jim Seidl-SK Design, Shawn Leary Considine (SLC)-ZBA, Clarence Fanto (zoom), Scott Barrow (zoom)

Meeting called to order by TD at 6.04 pm

1. **Approval of minutes** -- minutes were not available for meeting

2. **Form A/Approval Not Required Plan—474 Pittsfield Road**

Jim Seidl presented on behalf of SK Design for 474 Pittsfield Road. He detailed the project and showed various colored coded prints, including prints of existing lots. The applicant is proposing for parcel 1 from 45 Holmes Road to be conveyed to combine with 474 Pittsfield Road. They will not be creating new lots, just conveying a lot to go from one parcel to another. The property on Holmes Road was three acres, and they will be conveying less than half an acre, which leaves 2.5 acres. The requirement is one acre so it well exceeds that. The setbacks meet requirements.

KMV moved to accept the form A as submitted, JH seconded. Roll call vote: TD aye, KMV aye, SL aye, JH aye, PK-abstained.

3. **Public Hearing for Zoning Bylaw Amendments**

TD opened the Public Hearing. He presented his slides through powerpoint for the public hearing. He started by reading the Public Hearing Notice, which details the bylaws that are proposed to be changed. The board discussed whether or not they would discuss the revision of Section 3, which would allow the ZBA to grant Use Variances. SLC, not officially representing the ZBA, spoke regarding the Zoning Administrator portion and explained that the ZBA felt they didn't have enough information to go forward at this time. SLC strongly believes the Use Variance amendment should be on the Warrant, as she is concerned that any ZBA decision allowing use variances could be appealed

TD explained the current solar bylaw. The new proposed bylaw opens up more land in town where ground-mounted installations could be placed. It also defines small-scale and large-scale installations based on land coverage. It imposes all applicable requirements of site plan review and all the dimensional requirements of section 6.1.1. It imposes greater street and lot line setbacks for large-scale installations and imposes a maximum size limit to small-scale installations in residential use. In simple terms, small-scale installations cover area less than one acre while large-scale installations cover land more than one acre. An array refers to the solar panels themselves, and a installation refers to the panels, the array and any necessary accessory structures like small buildings or enclosures to house electrical equipment. He went on to detail the special requirements for small and large-scale installations. He explained the revisions to section 6.1.8, where the Planning Board added the line "roof-mounted solar arrays" to the maximum height/number of stories restriction.

TD then detailed the proposed changes to the Motel/Inn/Hotel language. He explained the reason for the changes was because the current bylaw has created a way for the property owners to convert apartment units, particularly in the downtown village, into what are essentially short-term rental units, but without adhering to the short-term bylaw. The Board seeks to make these changes and clarify the language so that apartment rentals are more likely to remain apartments for the members of the Lenox community.

The board began discussing the Zoning Administration change in section 3.3, specifically the Zoning Administrator. PK felt it wasn't presented as language from the Selectboard or ZBA but was draft language given to the Planning Board to consider moving forward. TD mentioned he thought this was originally brought up as a way to bring the number of members on the ZBA from 5 to 3. SLC said that issue was raised out of desperation because there were not enough people on the Board and the ZBA kept having to move hearings. But the ZBA has since added 2 new members so that is now a moot point. As for the Zoning Administrator, she felt the ZBA does not have enough information on that currently and do not want it on the Warrant. She discussed her desire to allow the ZBA to grant Use Variances to avoid appeals, and that it is a simple change that adds to the bylaw what the State law requires. The board went on to discuss Use Variances. TD proposed that the Planning Board table this discussion for now. JH expressed concerns about a Zoning Administrator making decisions without public input as no procedure had been provided to the Planning Board on what the procedures would be. As to Use Variances, JH cautioned that allowing the ZBA to override zoning bylaws in specific cases does not respect the fact that the bylaws were voted on and approved at Town Meeting. Planning board members agreed that JH also successfully rebutted the example of a previously-granted use variance that SLC provided on request.

TD opened the floor for public discussion on Section 3; there were no comments. He then opened it for the proposed changes to the Solar Bylaw, there were no comments. No comments for the revision to section 6.1.8. And no comment on the revised Motel/Inn/Hotel language.

SL moved to close the public hearing. JH seconded. All were in favor.

4. Working Meeting for Zoning Bylaw Finalization

The board discussed KMs alternative text for the Bed and Breakfast definition. The board decided to add “rental room” and “provision of breakfast”, “minimum of 4 but not more than 20 transient renters” and “full-time on-site management”. The board rearranged the wording of section 3B to say “cooking facilities”.

Board vote to accept these additional Motel/Hotel/Inn changes – TD-aye, KMV-aye, SL-aye, PK-aye, JH-aye

Motion to adjourn by JH; seconded by TD. All were in favor