

## Planning Board Minutes, 12/11/2018

**Town of Lenox  
Planning Board  
Land Use Meeting Room  
December 11, 2017**

**Members present:** Chair Pam Kueber, (PK); Kate McNulty-Vaughan, (KMV); Tom Delasco, (TD)

**Absent without notification:** Kameron Spaulding, (KS)

**Participating Remotely:** Deborah Rimmmler, (DR)

**Staff present:** Gwen Miller, Land Use Director, (GM); Peggy Ammendola, Land Use Clerk, (PA)

**Also present were the following:** Rob Akroyd of Greylock Design Associates, Attorney Mitch Greenwald and Paul Bagnall of the Berkshire Record. Mr. Bagnall audio recorded the meeting.

The meeting was called to order at 6:06 PM.

**Documents provided for this meeting:**

- Agenda
- October 24, 2017 minutes
- November 28, 2017 minutes
- Timeline-STRs
- Short-Term Rentals in Lenox: Summary of Community Roundtable Discussions
- PJK draft 8/20/17-Items discussed during “parking tour” of Lenox Village

**Public comment-**No one was present.

**Approve minutes:**

*November 28, 2017-Changes were received via email just before the meeting, so they were tabled in order to have time to make edits.*

*October 24, 2017- KMV made a motion to approve the minutes as edited and PK seconded the motion. A roll call vote was taken and the vote was 3-0-1. TD abstained as he was not present at that meeting.*

**Form A-** Colby Lewis, who owns eight acres which is identified as Map 16 Parcel 19, 429 Undermountain Road, wishes to convey a 50 foot strip (Lot 2) to his neighbor (Lot 1). Surveyor John Campetti presented the Form A.

After reviewing the plan, TD made a motion to endorse the plan. KMV seconded the motion and the Board voted to approve 3-0. . Due to DR participating remotely, and not being able to see the plan, she recused herself.

**Schedule site visit for Chestnut Lane-**In June 2016, the Planning Board endorsed a Form A, w/a covenant for the restoration of the road, for property on Chestnut Lane held by Macalin Realty Trust. They have since restored the road, and require a Certificate of Performance from the Planning Board.

The Site Visit will be on Thursday, December 14<sup>th</sup> at 2:30 PM.

**Short-Term Rentals update-** PK said that the subcommittee met twice since the last briefing to the Board.

- Review of report summarizing the two Nov. 14 Community Roundtable discussions-The

monitors at each table took notes of comments made by the participants and provided them to GM who then created the Short-Term Rentals in Lenox: Summary of Community Roundtable Discussions. PK felt that a good cross section of stakeholders participated. Some participants expressed concern over property owners who did not live at their property and essentially were changing a residential use to a commercial use. TD, referring to the Policy Goal Statement: “It is more important to have a year-round community in Lenox than growing our tourism economy.” said that one person had pointed out that without a tourism economy there would be no year-round community in Lenox. TD disagreed with that statement saying that a lot of Lenox residents have nothing to do with the tourism economy and cited examples. The Board discussed the benefits of having a good tourist economy. GM stated that from the data the consultant pulled from the zoning bylaw diagnosis and housing production plan attention on the tourism and hospitality sector was emphasized as that is the largest number of jobs that are within the Lenox town boundaries. As a result of this industry Lenox collects 1.5 million dollars annually from tourism tax. TD said that it would be a bonus to Lenox if the people who worked in that industry could afford a house in Lenox in which to live. There may be a greater need for affordable housing, paid for with tax dollars for hospitality employees who are not well paid. GM said that publicly financed housing projects usually require a match, whether a gift of land or monetary payment. TD wondered how many of the employees in the Lenox hospitality industry owned houses and lived in Lenox. PK thought the Housing Production Plan would be a source for that information. The Board discussed the impact of too many hotel rooms as well as STRs now that they are becoming popular. TD said there was a participant who said they were attracted to the area because of a house which had an ADU that could be rented out to help them afford the house. The ability to do that seemed to appeal to others who objected to a commercial use, i.e., investor properties that were used strictly for STRs and not owner occupied.

- Review of update to be presented at 12/13 Select Board meeting-PK walked the Board through her presentation to the Board of Selectmen (BOS).
- Next steps including dates for second set of roundtables in January-PK wrote up a timeline that she presented to the Board which covered the period from June 2017 to November 2018 for work regarding STRs. Forty 48 surveys have been completed online and she will promote the survey again at the Selectmen's meeting on December 13<sup>th</sup>. PK and GM met with Town Manager Chris Ketchen regarding licensing and inspection protocol of STRs. She provided him with five scenarios and she said that he will likely take up to 90 days to discuss with the Building, Fire and Health Departments to understand what would be required now to inspect and approve the different scenarios or some variety of them if permitted in the future. PK said that she also asked the Town Manager about participating in state lobbying and he suggested that when the Board comes up with policy/regulatory proposals that they have vetted with the Building Department to determine if there are gaps or impossibilities because of state code, then the Town can go to the state. TD asked about compliance and PK explained "Host Compliance" which is a system which keeps track with the number of SRTs in Lenox. She said there are 133 places and 170 listings that are on the market. If the SRTs are licensed, it can be required that the license is included in their listing.

PK did a review of the timeline from the present into January. Two more Community Roundtable discussions are coming up, with one on January 20<sup>th</sup>, a Saturday. An organization, "Bistro Group", is unhappy with the process for the SRTs and the subcommittee has asked him if he would like to set the date for the fourth. Plans are to reach out to property owners in Lenox who are already renting out space on a short term basis so they can be involved in the process. The idea is to give everyone an opportunity to be a part of this process, whatever interest they have. The Board will be monitoring state legislation after the beginning of the year and the state's decision will provide a framework for the Board to draft a bylaw. PK said that GM is working with the Administrative Assessor to identify investor units.

**Update on possible bylaw to make deeded-affordable housing construction by-right on non-conforming lots**-KMOV said that she has been researching other communities' zoning bylaws without much success and has a call into Mass Housing Partnership seeking ways to approach this. The maps depicting the non-conforming lots are too small and asked GM to provide larger maps. KMOV has decided that they should start with a baseline which would be what does the Board say about non-conforming lots in the bylaw and what the Board needs to do to make decisions. She asked how the Board was thinking about the lots. Would they be just for the Town or a similar type group who would build something that would be deed affordable or would it be allowed for people who just wanted to take advantage of an opportunity to build an affordable house on a small lot that wouldn't be a part of the Subsidized Housing Inventory? KMOV said that the maps seem to show every non-conforming lot. This needs to be filtered so that those that have been developed or have a conservation restriction are not included. The lots should be on town water and sewer and the structures built should fit into the historical pattern of the neighborhood. Viable locations need to be identified and opportunities for development need to be optimized. This is more than just a zoning change.

KMOV concluded that there needs to be more research, e.g. look at other bylaws in areas where this has been done and talk with those communities to find out how it works and how to attract builders. She will continue to work on this.

**Review recommendations for parking updates in Village** -The Board discussed what they had previously done and how to move forward. TD said that at some point the Board should resume work on this, finalize the plan and deliver to the BOS. It was agreed that this should be a part of the updating of the Master Plan.

**Other Business**- GM provided an update re: Complete Streets, including the projects the Town applied for through the state funding program and the Walker Street improvement projected funded by the Transportation Improvement Program (TIP).

TD made a motion to adjourn. PK seconded the motion and the Board voted to adjourn 3-0 at 8:10 PM.

Respectfully submitted,  
Peggy Ammendola