

Town of Lenox
Planning Board
Via Zoom
November 10, 2020

Members present: Chair Pam Kueber (PK); Vice Chair Tom Delasco (TD); Kate McNulty-Vaughan (KMV) arrived at 6:15 due to technical issues; Jim Harwood (JH); Lauryn Franzoni (LF);
Staff Present: Jessica Cote, Land Use Assistant (JC)

List of documents provided for this meeting:

- November 10, 2020 Agenda
- October 13, 2020 minutes
- Update for 11-10 Meeting AGRICULTURAL w/o changes accepted
- Update for 11-10 Meeting AGRICULTURAL w/ changes accepted

PK opened the meeting at 6:00pm. The meeting was recorded via Zoom.

1. Minutes --Approve meeting minutes for Oct. 13 and Oct. 27

- TD moves to accept the minutes from October 13, 2020. JH seconds. All in favor by roll call: TD: Aye; PK: Aye; LF: Aye; JH: Aye, PK: Abstain.
- October 27, 2020 minutes were not available at meeting time.

2. Wireless Communications --Update on engaging consultant to conduct a wireless master plan and regulatory review.

- PK spoke with Gwen Miller, Town Planner, who had not heard back from the consultant on proceeding with the RFP. GM also had not heard back from other communities about potentially partnering with Lenox on the Gap Analysis/Wireless Strategic Plan. Gwen spoke with Chris Ketchen, Town Manager, who encouraged the Planning Board to move forward with the consultant on our own.
- PK will have a new update in two weeks at the next Planning Board meeting.

3. 9.8 Residential Inclusionary Development & 1 West Street application –Update on how this application, now withdrawn, interpreted Multifamily Dwelling provisions in 9.8; note possible need for clarification in any future work on this portion of the bylaw.

- PK said that the application for 1 West Street that convert home to multifamily and put up second building with apartments and doing it under section 9.8 of the Zoning Bylaw (ZBL).
- PK couldn't see how it could be under section 9.8 because multifamily are not allowed in R-1A zone. She suggests that when the Board gets to working on section 9.8 that the Board needs to look at this application and as necessary, clarify language so that such a misinterpretation is not made again.
- JH stated that there are number of projects and every time there is a misinterpretation of section 9.8 of the ZBL it is suggested that the problem is with section 9.8. JH doesn't think that is the case – that the bylaw is fine as written -- and that if the Zoning Board of Appeals (ZBA) thoroughly understood section 9.8, they could apply that knowledge as the petitions arose.

- JH continued that with the 1 West Street application, the base zoning states no multifamily in R-1A, however he believes that the applicant looked at 9.8 and thought that would allow a sidestep of the base zoning to building multifamily within the residential zone. However, there are parts of the bylaw that state section 9.8 is supplemental to other bylaw withing ZBL. If there is a conflict with 9.8 and other sections of the bylaw the more restrictive bylaw applies. In the 1 West Street application the more restrictive requirement would apply and multifamily would not be allowed in the residential zone. JH continued that it is clear that the application was insufficient and the applicant must have realized this and withdrew the petition.

- What is not clear to JH is if the ZBA would see it that way.

- JH thinks it would be helpful if the Planning Board and the ZBA sat down to discussed section 9.8 of the ZBL.

- It was noted there had been other discussion, including correspondence, about amending other parts of this bylaw.

- PK suggests that when the Planning Board formally takes up updates to section 9.8 of the ZBL that the Board can meeting with the members of the ZBA as well to discuss how to approach the issues.

4. Review revisions to proposed amendments to Agricultural Uses bylaw, including new sections on neighborhood-, commercial-and small-commercial farm stands, and backyard chickens

- Board reviewed Update for 11-10 Meeting AGRICULTURAL document for Agricultural Uses bylaw.

- Board discussed changes/amendments to definitions, special use regulations for neighborhood, commercial and small commercial farm stands and backyard chickens. Board made changes to this section of the proposed Agricultural Uses bylaw.

- PK will incorporate changes discussed and once changes are incorporated and share with the Board before the next meeting.

- KMV also to review in detail and make final recommended changes.

5. Update on Committee and Board assignments

- TD updated the PB on the meeting of the Permanent Building Committee (PBC). Main focus was the Waste Water Treatment facility improvements. This will be a multimillion-dollar investment, and we have two years on the permit. TD and the Board also discussed status of the old Center School behind the community center.

- TD updated the PB on the latest meeting on the Community Preservation Committee.

- KMV updated the PB on the Affordable Housing Trust (AHT). The AHT has purchased 8 Hynes Street for affordable housing needs.

6. Discuss/Agree on update to Select Board

- Board discussed next meeting agenda items and what updates to provide to the Select Board.

LF moved to close the meeting at 7:53. TD second. All in favor 5-0.