

Planning Board Minutes, 06/13.2017

**Town of Lenox
Planning Board
June 13, 2017
Landuse Meeting Room**

Members present: Chair Kameron Spaulding, (KS); Tom Delasco, (TD); Pam Kueber, (PK); Deborah Rimmmler, (DR)

Members absent with notification: Kate McNulty-Vaughan, (KMV)

Staff present: Gwen Miller, Land Use Director/Town Planner, (GM); Peggy Ammendola, Land Use Clerk, (PA)
Documents presented for this meeting:

- Room Occupancy Tax Changes
- More from proposed state changes
- H3454- An Act regulating and insuring short-term rentals.
- S1553- An Act relative to the regulation and taxation of transient accommodations in the Commonwealth.
- Somerville short-term-rental guidelines
- Amherst residential rental regulations
- Cambridge zoning amendment short-term council petition text
- Cambridge petition

Approval of Minutes:

March 21, 2017-KS TD KMV DR were present. The minutes were approved 3-0-1. PK abstained as she was not present at this meeting.

March 28, 2017-KS TD KMV PK were present. The minutes were approved 3-0-1. DR abstained as she was not present at this meeting.

April 11, 2017-KS PK DR TD KMV were present. The minutes were approved by a vote of 4-0.

April 25, 2017-KS PK DR TD KMV were present. The minutes were approved by a vote of 4-0.

KS invoked the “Rule of Necessity” to vote on the minutes in bulk. PK made a motion to approve the four sets of minutes as presented. DR seconded the motion. KS amended the April 11th minutes. He stated that in the next to the last paragraph, the question “Was there a vote?” should be removed. It was by consensus. In the April 25th minutes KS amended the chart at the bottom of the page so that “C” District should state “N”, not “BA”.

Re-organization for 2017-2018:

KS noted that this had been on the previous agenda, May 23, 2017, but that the full Board was not present as is the case at this meeting. The purpose of re-organization is to give everyone a chance to decide if they wanted to be assigned to another committee or stay with the committee they are presently on. KS said that while he is on the Historic District Commission (HDC), he would relinquish that position if a resident wanted to take his place. It was discussed among the four members and agreed to the following:

KS-HDC

PK-Berkshire Regional Planning Commission

TD-Community Preservation Committee

DR-Land Management

KMV is on the Affordable Housing Committee and Affordable Housing Trust. She was not at tonight’s meeting, but it is the consensus of the Board that she would want to continue to serve on both.

It was agreed that the Board should wait until all five members are present before agreeing to who would be appointed Chair and Vice Chair. KS said that he would be willing to continue unless someone else wanted the position.

Short Term Rental Regulations

- Overview of proposed state legislation
- Local next steps

On June 5, 2017 at the Lenox Town Hall, KS, GM and Town Manager Chris Ketchen attended a public hearing by the state legislature's Joint Committee on Financial Services on potential taxes and regulations for homeowners offering short-term rentals through online services like Airbnb. KS gave a brief overview and reported that there are multiple proposals regarding the regulation and taxation of short term rentals of less than 30 days.

KS said that he spoke at this public hearing and will go to Boston to speak at the next hearing on this topic.

PK expressed concern that KS would be speaking on this matter on behalf of the Chamber of Commerce and stated that he needed to recuse himself from the Planning Board’s discussions on short term rentals.

KS said that the Chamber has refused to take a stand as a board. He doesn’t represent the “vote” of the Chamber, but he said that restaurants and shops are terrified that these regulations would shut down the short term rentals which would affect their businesses negatively. KS said that he would be willing to recuse himself, but stated that what he has said isn’t any different than what he has stated at the Board’s meetings and felt that

his comments are less extreme than those comments made by Board members at the Planning Board meetings. He added that all of his public statements are on the record, in both the state, having filed with the Attorney General's office, and the local level. PK believes that KS should do an ethics check as he is the Director of the Lenox Chamber of Commerce. KS again stated that he would be willing to recuse himself, but that he didn't see the conflict as he is not working for any establishment. PK said that she was fine with KS looking into this. He also said that he made his feelings known when he was running for the Planning Board.

DR didn't understand the conflict and asked for an explanation. PK responded that this could affect the number of units allowed in Town and this would benefit or hurt different businesses in town and explained that her opinion is that once an individual is advocating or representing themselves as part of a separate outside interest one would have to recuse themselves from sitting and making a decision.

GM suggested that Town Counsel or the Ethics Commission could be consulted. KS said that he would be willing to do that. PK said that was acceptable and agreed that the discussion could continue at this meeting with the understanding that a determination of whether recusal would be in the best interest of the Board.

DR asked KS to explain what he was advocating. KS responded that he thought that the short term rentals should be allowed but taxed and regulated like any other business. DR asked what the Board would be voting on and TD said that the Board would probably, in the end, agree with KS as short term rentals are illegal even though the renting out of rooms in Lenox has been done for decades. PK responded that seasonal lodging is legal, but she wanted to have this discussion as she feels that this is potentially a contentious issue in Lenox. She would like for the Board to map out a plan on how to gather input as she feels that there are many different interests that need to be listened to carefully. She also stated that she doesn't yet have a view on how this should play out.

PK said that she is concerned about investors who are buying properties strictly for the purposes of renting out with Airbnb or other online marketplaces. This competes with families who are looking to purchase a home in Lenox and it takes business away from local hotels. This is a commercial enterprise and is not in compliance with the requirements of the state building code.

DR asked if others agreed to having a sub-committee do research. PK expressed the need to get other boards and committees involved to participate in outreach sessions. GM suggested that with the demands put on those who serve on different boards, it probably would be better to have people come to the Planning Board meetings. It was believed that first steps would be to have the Building Department participate in a discussion with the Planning Board and to gather data before engaging with the public. The Board agreed that it is important to set the tone for meetings with basic facts and to be fair and reasonable. GM commented that the Board has the ability to frame the issue in a productive, forward thinking way versus contentious and dramatic.

PK and DR will work to move as fast as possible on this matter, map a plan, and gather data. A meeting with the Building Department would be one of the first meetings.

Multi-family Housing & Apartment Bylaw Amendments (including Accessory Dwelling Units)

At the May 23, 2017 meeting, KS provided a draft document regarding amendments and asked the Board to review and be prepared to discuss in greater detail tonight.

Assign sub-committee to review and prepare final versions for next Town Meeting

KS started the discussion with affordable housing and said that often the question is what is regulatory affordable and what is affordable. He believes that work should continue toward regulatory affordable, but it is a tougher standard to meet. He feels that everyone wants affordable starter homes for young families. He said that he has crafted bylaw changes that he feels would make this easier. His suggestions included eliminating the current 700 square foot minimum unit size as this makes it harder to build affordable. KS also stated that when 2 family and duplexes are allowed, they have additional standards not required for a single family home in the same area. Some examples KS provided were 200 foot buffers and roads required for multi-family. He suggested that two members on the Board could work on these issues and research ideas he covered in his document.

PK said that last night she attended a three hour meeting on a housing production plan which consists of 53 pages. She believes that this should be vetted by this committee. GM responded to PK by saying that KMV is the Planning Board liaison for the Affordable Housing Committee and Trust and that both the Planning Board and Board of Selectmen have to adopt the plan.

Discussion continued on middle market housing and the items in the housing production plan that Judi Barrett, Director of Municipal Services with RKG Associates had called out.

KS said that he was hoping that at least parts of this could be isolated without causing other repercussions and be brought to a November STM.

KS felt that KMV would be interested in working on this and he said that he would like to be involved as well. DR also said that she would be willing to serve on this committee.

DR left at 7:20 PM as she had a prior commitment.

Parking Buffer Requirements

Proposed amendment to Section 7.1 of the Zoning Bylaw. This was not discussed.

Downtown Parking

Review plans prepared by BETA, Inc. as available- KS said that they are waiting for the final statement from BETA on parking around town. He believes that the Board will have site plans in two weeks.

PK reported that she believes that the Berkshire County Comprehensive Economic Development Strategy 2017 has been completed.

PK pointed out that the Master Plan is 20 years old and believes that it needs to be updated especially with the development that has been taking place. She thinks the Board could do a section or two a year and update on a continuous basis. PK will look into adding to the next agenda.

The meeting was adjourned at 7:50 PM.

Respectfully submitted,
Peggy Ammendola

