

**Town of Lenox
Planning Board
Meeting Minutes
October 24, 2023
Town Hall Land Use Room**

Documents available at meeting: 9/26/23 meeting minutes, Proposed Ground-Mounted Solar Bylaw with edits by KMV, Bylaw Section 8.1 Motels, Inns, Hotels

Members present: Tom Delasco- chair, Pam Kueber, Kate McNulty-Vaughan, Susan Lyman

Absent with Notification: Jim Harwood

Others: No members of the public

Minutes from September 26, 2023

KMV made a motion to approve as amended by PK, TD seconded. SL abstained, absent from meeting.

All were in favor

Solar Zoning Bylaw

The group began the discussion looking at the edits made by KMV. They discussed the definition of appurtenant in the zoning bylaw in regards to 6.1.8. TD clarified the language being used as roof-mounted solar arrays, skylights and other necessary features.

They discussed the title of the solar bylaw; “large” was removed and will go forward with “Ground-Mounted Solar Voltaic Installations”. PK questioned the hyphenation of “large-scale”, “small-scale” and “ground-mounted”; the group decided to go with it as written above.

They discussed site plan requirements for large-scale arrays and determined they will all need site plan reviews regardless of where they are. KMV questioned whether it is absolutely necessary for a site plan review in the industrial district, as she fears it will add to the ZBA’s backlog. The alternative would be for the Planning Board to do the site plan review in all districts themselves; none are opposed but they decided to leave it written as it is for now.

PK brought up the definition of large-scale versus small-scale, she mentioned at the last meeting they decided on 4 acres as the demarcation point. She feared there is a problem with it written that way as it creates problems for property owners who have more than 4 acres but want to do a small scale installation. They discussed changing it to “land coverage area of one acre or more” for large-scale and “land coverage area of less than one acre” for small-scale, so the line about 4 acres can be removed entirely.

They discussed area of land available in R-1A. GM had prepared a map depicting parcels that are 20 acres or more in the Residential “R-1A” zone. She had counted 76 parcels which offered a large amount of property. The group thought this demonstrated there is plenty of land available by allowing installations in the R-1A zone. They discussed some of the land being in conservation.

The definition of appurtenant and its relation to accessory was discussed. KMV questioned whether it is fair to use the words “installation” and “arrays” interchangeably. TD said installation includes the appurtenant structures. PK suggested the definition of small-scale and large-scale should be followed with “inclusive of the array, appurtenant/accessory structures and all impervious surfaces”. All agreed. A discussion regarding impervious surfaces ensued. KMV suggested they use the word installation as opposed to array, since an array is a very specific part of an installation; the group agreed.

KMV questioned GM as to whether they needed to go back and amend site plan review because it says in districts C1A and C3A in that section; GM said they did not have to do that as long it is in section 8.12 and includes the industrial district as well.

They determined 8.12.4 should say “General Requirements Large-Scale and Small-Scale”. They decided to primarily use acronyms, “LSGM Installations” for example, and to sprinkle the written-out version throughout as reference.

The group circled back to the previous discussion regarding site plan reviews and KMV stated that since they are relying on the ZBA’s rules, regulations and waiver requirements as it is, it is best to continue to have them do the site plan reviews as they have been. The group agreed. They decided to call it “site plan approval” for consistency as that is used earlier in the bylaw.

PK brought up section 6.1.1, the table of dimensional requirements, and whether the whole installation has to comply with it. KMV read aloud the section that says all LSGM and SSGM must meet the dimensional requirements called out in 6.1.1. The group discussed the language of the current bylaws and how it is unclear what is excluded and what is allowed. They agreed that it should say “all solar voltaic installations shall be constructed and maintained in conformance with the dimensional and setback requirements of 6.1.1 Table of Dimensional Requirements., unless otherwise regulated below” And if they cannot comply, they will submit for a special permit or variance.

The group went on to discuss the design standards for LSGM installations in section 8.12.6.3, including lighting, signage, utility connections and accessory/appurtenant structures. They made minimal changes to verbiage and sentence structures.

They discussed the decommissioning of solar installations and who would be responsible for the decommissioning. They determined it is a condition of the building permit and therefore the building commissioner needs to be notified of a decommissioning by certified mail. They added notifying the ZBA as well.

They discussed the bylaw with amends made by PK. PK volunteered to make the edits to KMV’s version per the changes made at this meeting.

Motels/ Inns/ Hotels

PK recapped the issue with the way the current bylaw is written. She explained there have been several applicants that have gone in front of the ZBA claiming that a single apartment or office/retail space is a motel, aka “tourist home” and asked for a special permit to operate this motel/ tourist home in the village, based on the existing definition of the term. This enables them to bypass the short term rental regulations. The definitions of hotel, motel and inn are currently all the same.

PK suggested they be defined as a building whose principal use is the lodging of transient guests which is open to the general public. SL questioned why they don’t say “sole” instead of “principle”; PK answered that sometimes motels have innkeeper’s lodgings attached. The group discussed the various differences between hotels, motels and inns in general.

KMV said the key point should be that it is a conglomeration of rooms, not a single room in a building. They all agreed the definition needs to be changed.

The group decided to meet Tuesday October 31st to continue the discussion of Motels/Inns/Hotels

Adjourned by TD at 8:29pm