

## Planning Board Minutes, 08/29/2017

**Town of Lenox  
Planning Board  
August 29, 2017  
Landuse Meeting Room**

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

**Members absent with notification:** Deborah Rimmier, (DR); Kameron Spaulding, (KS)

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

**Also present:** Clarence Fanto of the Berkshire Eagle, Dave and Matt Ward of LD Builders and Jim Scalise of SK Design Group.

The meeting was opened at 6:05 PM.

**Documents provided for the meeting:**

- Agenda
- August 8, 2017 and August 22, 2017 Minutes

Preliminary Plans for 241 Walker Street

Housing Production Plan (HPP)

Two-Page Highlights (HPP)

Planning Board Memo (HPP)

PK's calculation of market-available housing (HPP)

Affordable Housing Goals Strategies Actions in One Table

Strategies and Tools for the Support and Production of Affordable and Middle Market Housing in Lenox

Lenox Village-Initial notes on items discussed during walk 8-8-2017

Lenox Village-1909 design of Main Street parking

Lenox Dale Neighborhood Memorandum to Select Board and Planning Board

Lenox Dale Resident Comments in Tables

- Recreational Marijuana Workshop Brochure

**Minutes-**Review and vote on minutes for August. 8 and Aug. 22, 2017 meetings.

*August 8, 2017*-KMV made a motion to approve the minutes with edits. TD seconded the motion and the Board voted to agree 3-0.

*August 22, 2017*-This meeting was canceled due to lack of quorum, but PK came at the appointed time to open and close the meeting.

Minutes were prepared to provide history, but she is not sure that minutes are necessary, so it was decided to table until it can be determined.

**Review conceptual plan for project at 241 Walker Street** (Rescheduled from 8/22 meeting, which was canceled.) LD Builders is proposing a project at 241 Walker Street under the Zoning Bylaw's Open Space and Flexible Development Overlay District (Section 9.7). The Special Permit Granting Authority for this is the Planning Board. They will informally present their conceptual plan, as suggested in some of the guidance documents.

Presenting the plan was Mr. Scalise. The parcel consists of 9.5 acres. There are 8 lots proposed. The open space is calculated to be 45%, which would give him a 9<sup>th</sup> lot. Mr. Scalise said that he was looking for input from the Board which will ultimately affect the design of the project. The following preliminary plans dated August 17, 2017 were reviewed;

- Aerial Plan
- Proposed Site Plan
- Open Space Plan

Mr. Scalise said that the plans are a "yield plan", a mathematical approach through the zoning bylaw, and meets the setbacks and requirements under the subdivision control bylaw to look at density, but he took some latitude with regards to the wetlands. (He has been before the Conservation Commission asking for a determination that the boundaries are accurately delineated. The Commission issued a Positive Determination, stating that only the boundaries on this property are approved, but not the boundaries that are outside of the this property.) Mr. Scalise clarified that the yield plan is not the one he would want to build and that the final plan will be at the discretion of the Board.

The units will be single family with driveways and garages and will be low impact with regards to stormwater. Open space will be contiguous and excludes all of the wetlands per approval of the Conservation Commission.

Mr. Scalise reviewed Section 9.7, Open Space Flexible Development, as he provided his thoughts on what he would like to accomplish with this project under this section of the bylaw and made the following points:

- The applicant does not intend to meet the standards of a subdivision because this will be a "private way" and this will remain a single lot.

- Regarding a buffer, Mr. Scalise wanted to make clear that he was asking the Board to allow 50 feet to the north and to be able to use frontage on Walker St.
- Mr. Scalise asked the Board to provide their input on their ability to put in a stormwater pond in the open space as per Section 9.7.12 (4). He described the pond as an accessory use.
- Mr. Scalise said that the yield plan and open space plan are strong exhibits for supporting his request for 9 units versus 8 units. He is providing an extra 10 percent of open space which he feels would allow for a 9<sup>th</sup> unit.

Mr. Scalise asked if the Board would agree to a conservation easement versus a conservation restriction for protecting the open space. The reasons for this request is that a conservation restriction is a very complicated legislative process and he doesn't believe that he could find a land trust that would be interested in such a small parcel. Under Natural Heritage Endangered Species Program, there can be a conservation easement that could be deeded to the Town or to the Conservation Commission. The Board looked at Section 9.7.12 (1) and agreed that this could possibly be a waiver.

Mr. Ward said that preliminary work will commence this fall. He has received a permit for one unit, which is allowed by right. This will be the model. He anticipates that the project will be ready for habitation next summer. The name of the development is Lenox Fairways Landing.

Mr. Scalise will provide a summary of what was discussed at this meeting and make a formal application possibly in late September. The Wetlands Protection Act advises that the process is to go to the Conservation Commission first, then the Planning Board. Once he has a detailed plan, he will go before the Conservation Commission with a Notice of Intent. He asked that in the next week or so that the Board give him their thoughts on the project. KMV said that the Board will keep him informed.

**Housing Production Plan (HPP)**—The Board of Selectmen approved the HPP last week and the Planning Board must vote on the acceptance. There was discussion as to whether or not the three members should vote now or wait until all five members were present. The consensus was that since there has not been a full board for the last two weeks, it was best to proceed. PK said that she was comfortable voting tonight, but that since not all of her comments were incorporated into the Plan, she would like to have agreement to add additional documentation, not a formal addendum which would hold up the approval process, but something that could be put in file. No one objected.

GM gave a brief presentation of the online survey in which there were 179 respondents who were mostly from the village center, mostly middle aged and most owned their own homes. Most were not likely to move, but if they did it would be for job opportunities or if housing costs became too high. Sixty percent felt that it was important to stay in their homes as they age and in order to do that they felt that they needed to make their home accessible as they age and that home based services were available. Respondents also stated that they felt that an ideal community has quality public schools, attracts young professionals to live and raise families, walkable neighborhoods, etc.

At this point, the Town of Lenox needs 60 units to reach the 10 percent state requirement of affordable units. An HPP, a requirement of the state, gives communities under the 10% threshold of Chapter 40B, but are making steady progress in providing Subsidized Housing Inventory (SHI), more control over comprehensive permit applications i.e., Chapter 40B. This would mean that in order for the HPP to be certified, Lenox needs to show that they are producing 12 units a year for the next 5 years. The purpose of the HPP is not just to mandate the number of units you need to provide, but to identify the needs and goals.

GM, using the HPP, Equitable Development Plan and notes provided by KS, put together for the Board the document Checklist of PB Items in Affordable and Market-rate Housing Goals, Strategies and Actions items from 2017 Studies. She also prepared another document entitled Strategies and Tools for the Support and Production of Affordable and Middle Market Housing in Lenox. Both documents were discussed.

KMV made a motion to adopt the HPP 2017. PK seconded the motion and the Board voted to approve 3-0. PK noted that there was one error in the HPP which will be corrected.

**Lenox Village Parking Plan Improvements Review**—Continuing the discussion and review from July 11, July 25 and August 8 and walking tour of August 8 to make recommendations for improvements to parking and decide how to move forward with improvement plan recommendations.

The Board discussed how to proceed. It is the purview of the Planning Board to make its recommendations and it is the purview of the Board of Selectmen to make the determination. TD recommended that the Board provide their insights to BETA so that those insights could be incorporated in the plan. PK suggested that the Board annotate in a memorandum their conclusions and then have GM give the memo to the Town Manager. KMV said that she would like to have another week and then have the Board's direction finalized. PK asked that everyone over the next couple of weeks compile their notes and give them to GM. GM can then combine the notes into a master list for the Board to have a few days to review before the September 12<sup>th</sup> meeting. PK will cover this discussion with both KS and DR who were not present.

**Lenox Dale review**—*Review and discuss memo on findings and recommendations from Lenox Dale research and discuss/decide next steps.* Due to time constraints, it was agreed to table but to make this the first item on the next agenda.

#### **Info on Other Meetings:**

• Update on Chair's Meeting with Town Manager—*Discuss timeline leading up to possible early November Town meeting and review/begin to plan for potential warrant items that Planning Board may complete by that deadline.* PK said that the Town Manager supports the Board in working on the master plan and he told her that if funding is needed the Board should be prepared to ask for it at the town meeting in November. (PK will work with GM to look at the requirements of the master plan. She said that a lot of work has already been done by different boards which can be incorporated.) Discussion included that there is some history of the Board not getting things done in a timely manner and the TM advised that once any item is placed on the warrant, there should be no changes. PK suggested that the Board pause talking about things in progress and to consciously plan on goals.

PK said that the Town Manager was interested in what the Board was doing relative to the recreational marijuana issue. The Board discussed and felt that there is a need for a better understanding of the effect of the May Town Meeting vote in which over 50% of the vote was for the decriminalization of marijuana. They expect that there will be clarification when Berkshire Regional Planning Commission has their information meeting August 31, 2017 here at the Town Hall.

PK suggested that the Board have more discussions as group regarding a time table to "gear up" for the November Town Meeting in terms of what they want to accomplish. If there isn't time then they can prepare for May.

Regarding Short Term Rentals, the Town Manager felt that if the Board wanted to clarify something in the bylaw related to short term rentals that it could be done in November. PK agreed that it could be done, but wondered if this is the right way to address the issue. KMV said that if the Board felt that the housing was in jeopardy, the Board should act quickly to try to stop losing to outside entities who are not concerned about sustainability. It was concluded that something could be done in time for the Town Meeting, but that they should slow down and look at the timeline.

The Board agreed that they need to get clarity on if the November Town Meeting would be an Annual Town Meeting or Special Town Meeting as there are different requirements

PK said that the first item on the agenda for the next meeting will be a timetable for getting things done, e.g., master plan, preparation for the November Town Meeting.

PK noted that KS had agreed to rewrite part of the affordable housing bylaw.

- BRPC—Update on July 27 meeting (PK)-This was not discussed.
- Recreational Marijuana—BRPC has confirmed a countywide information session for 6 p.m. Aug. 31 at Lenox Town Hall.
- Short Term Rentals subcommittee—Resumes on Sept. 11, after August break (PK/DR)

**Next meeting:** Tuesday, Sept. 12

- Discuss tentative agenda items

TD made a motion to adjourn and KMV seconded. The Board voted to adjourn by a vote of 3-0 at 8:17 p.m.

Respectfully submitted,  
Peggy Ammendola