

Planning Board Minutes, 11/28/2017

**Town of Lenox
Planning Board
Land Use Meeting Room
November 28, 2017**

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

Absent with notification: Deborah Rimmmler, (DR)

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

Also present were the following: Clarence Fanto of the Berkshire Eagle; Paul Bagnall of the Berkshire Record; and Jim Biancola. Mr. Fanto and Mr. Bagnall audio recorded the meeting.

The meeting was called to order at 6:00 PM.

Documents provided for this meeting:

- Agenda
- Bylaw Sign Section Suggested Changes R2
- Timeline December 2017→May 2018
- Minutes of October 24, 2017
- Minutes of November 7, 2017

Review and approve minutes:

October 24, 2017-Tabled as there was no quorum. (PK, KMV and DR)

November 7, 2014-KS made a motion to approve as amended. PK seconded the motion and the Board voted to approve 4-0.

Update on draft Sign bylaw revision:

Bylaw Sign Section Suggested Changes R2. Mr. Biancola presented his second version of the sign bylaw revision that he created based on the Board's previous comments. Some of the Board members felt that the first table in this version is overwhelming and questioned the inclusion of the MassDOT directional signs and historical building markers. Mr. Biancola said that 5-6 years ago he observed the difficult process Legacy Banks endured over a 2.5 year period in trying to get a sign for their drive-up. It was then he began his work on trying to simplify the process as it was obvious that people had no clear direction as to where they should go to for approval. He asked that the Board give him specific suggestions on changes they would like to see and he would implement.

KS expressed that he felt that it isn't as difficult now for a business owner to understand the process as it had been, but he felt that what was most important is to come up with a clear definition of what constitutes a sign. He also pointed out the unfairness of enforcement, using the example of two businesses side by side having the same sign violation and only one being called out.

Individually, the Board voiced their opinions on what changes they felt should be made to this second version and discussion ensued. Mr. Biancola asked the Board to look at his changes and advise him if his changes were correct.

KS suggested that the Board have a format for the revised bylaw and then they could agree on the text. Most importantly, he said, is to have a clear definition of what constitutes a sign. A "walk about" the District was suggested to determine what signage is considered acceptable. TD recommended that there be an order in which the bylaw be written, e.g., the first would be what is allowed in all districts, followed by what would be allowed in residential districts, etc.

In conclusion, both KMV and Mr. Biancola will work together. He told KMV that he needed to understand the changes that she is visualizing and who was doing what and then they could work on "marrying the ideas". He said that it was important that he replicated the intent of the existing bylaw. PK said that she would share her mark ups with Mr. Biancola.

PK stated that the next meeting is December 12th and that the next draft could then be reviewed with the hope that they would be 80 to 90 percent complete on this project.

It was suggested that there be drawings/photos of signs with captions showing what is correct and what isn't to be used as an illustration for those seeking to put up a sign. This would not be in the bylaw, but in guidelines.

Update on Short-Term Rentals (SRT) subcommittee work- PK reported that there was a total of 50 people who attended the two forums on Short Term Rentals on November 14th. GM will pull together all of the comments from each of the table monitors so that the subcommittee can review at their next meeting on December 4th. The online survey is available until January 15, 2018 and once the results are known the Board can start working on policy.

An individual, who is concerned about over-regulation on STR, has placed a few ads ("BISTRO") in the newspaper. DR will reach out to him as the subcommittee is eager to hear from all stakeholders.

The subcommittee will reach out to Town Manager Chris Ketchen to talk about STR and the protocol regarding enforcement, inspections, etc. as well as whether the Town should become involved in lobbying at the state level.

PK wondered if there was an adequate supply of housing in Lenox and asked GM to provide to the Board information on the housing inventory in Lenox and how many investor units there are.

Schedule for December 2017 through May 2018– (Refer to timeline on the website):

Marijuana-PK said that there are three items on the schedule that she thought should be discussed with the first being marijuana. KS offered to work with this. He suggested that the Board start holding informational sessions in late January. The sessions would have some similarity to the meeting that was held in Lenox Dale earlier this year, but not with a specific proposal. He would like a broader discussion on ideas and possibly provide six scenarios and some slides. It was suggested that he do research on what happens in a community that has a dispensary, e.g., has there been an increase in crime, domestic abuse, etc. GM reminded the Board that there is a moratorium until December 2018 and that the Board could put this on the May or November warrant. KS concluded that until the state comes out with something which is expected to be in March, any more discussion is a waste of time. He will provide to the Board in early January his approach for the informational sessions.

Affordable housing-lower cost housing units-PK noted that KS has already compiled useful information and asked KMV to pick up where he left off and determine how the Board should proceed. GM said that she feels that there is good momentum for interest in affordable housing. For the next sentence,

The Affordable Housing Trust has submitted a request for \$500,000.00 from CPC, and if that is obtained KMV said that their first obligation is to meet the requirement that 10 % of the housing stock is affordable.

The Board needs data on small lots. PK offered to help KMV, but she is concerned that if the Town decides to permit investor units for STR, this will impede affordable housing efforts.

Master plan-\$50,000.00 has been approved to work on the Master Plan and GM has begun working on the Request for Proposals (RFP) to find a consultant. PK feels that there is a need for a steering committee and will work with GM on a work plan. KMV asked that the Board review the existing Master Plan and make comments on what they feel they need to focus on.

Other Town Committee reports:

- CPC-TD stated that the CPC recently had their first meeting for the second phase. All but one of the entities requesting funding made it to this phase. He mentioned different groups and said that two requests for the largest amounts, each \$500,000.00, were submitted by the Town: funding for the Affordable Housing Trust and for the acquisition of the Peters property for open space. The total of the requests far exceeds what funds are available.
- Affordable Housing (Kate McNulty-Vaughan)- KMV said that a new member, Mindi Moran, has been appointed by the BOS to the Housing Trust.
- BPRC (Pam Kueber)-This was tabled.

PK returned to the calendar which had been discussed earlier in the meeting. She felt that the Board might have something ready for February 27th and though it could be tight, it might be SRTs. The subcommittee is meeting every Monday.

Nonconforming plots of land for deeded affordable housing and marijuana regulations might be ready for the Annual Town Meeting. Affordable housing plots of land for deeded affordable housing and cannabis might be ready for the Annual Town Meeting. The revised sign bylaw may be ready as well.

The Board will meet once next month, and that will be December 12th. The December 26th meeting will be canceled.

On January 9, 2018, the Board will have the continued hearing for 241 Walker St., and it is possible that it will be continued again to January 23rd.

March 10, 2018 is the deadline for getting things on the town warrant for the Annual Town Meeting in May.

KS made a motion to adjourn and TD seconded the motion. The Board voted to agree 4-0 and the meeting was adjourned at 8:10 PM.

Respectfully submitted,
Peggy Ammendola