

## Planning Board Minutes, 03/29/2018

Town of Lenox  
Planning Board  
Land Use Meeting Room  
March 29, 2018

**Members present:** Chair Pam Kueber (PK); Kate McNulty-Vaughan (KMV); Tom Delasco (TD); Kameron Spaulding (KS); Deborah Rimmler (DR) participated via remote participation.

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

**Others present:** Clarence Fanto of the Berkshire Eagle and Selectman Ken Fowler and 25 members of the public

The meeting was called to order at 6:10 PM.

The meeting was recorded. Clarence Fanto of the Berkshire Eagle also recorded the meeting.

### Documents provided for this meeting:

- Master Plan Request for Proposal March 23, 2018
- Short-Term Rentals (STR) Draft (2)
- Suggested Town Registration Step by Step
- Minutes-February 13, 2018
- Minutes-February 27, 2018

### Master Plan Request for Proposal March 23, 2018

KS made a motion to approve the RFP and TD seconded the motion. The Board voted in favor 4-0. (DR was not available for this portion of the meeting.)

### Short-Term Rentals Discussion including review of draft bylaw (DR joined in at this point.)

GM provided a power point presentation and as she reviewed each item, Board members suggested changes to the document.

### Public Comment

Mary Jo Piretti-She expressed that this bylaw is not in the best interest of the Town and she is not in favor of it.

Kelly Brown-He supports the bylaw, but doesn't believe that those who already have permitted Accessory Dwelling Units should have to re-apply for a Special Permit for STRs. He stated that no other jurisdiction in Massachusetts provides for a Special Permit and hasn't found any jurisdiction in this country with this requirement. He understands the need for a Special Permit in R15 and R30 zones.

Jedd Hall-He disclosed that he is a member of the Zoning Board, but was speaking on behalf of himself. He asked the Board if they have any historical data from other communities who may be wrestling with this issue. He thinks that it is premature to be brought before the Annual Town Meeting in May. This bylaw makes it possible for a commercial enterprise to operate in a residential, which he feels is not correct. Mr. Hall described a Special Permit for this use "a hot mess".

Scott Shortt-Mr. Shortt feels that it is important to have this on the warrant for this year's May town meeting. He suggested that a reduction in the number of days might be more palatable. He did say that for those who want to participate in the lodging industry, they do have the option to file for a Special Permit under Section 8.1 of the zoning bylaw.

Beth Tracy Gamble-She asked about enforcement of the proposed bylaw and asked why enforcement wasn't addressed in it. GM answered this question in detail and said that Section 3.2 of the bylaw addresses violations. A position will be created in the building department to deal with STRs. Ms. Gamble also asked about how many units in Lenox were being advertised on sites for short term rentals. PK responded that when she first researched this subject in October there were 133, and as of today the total was 166. KS said that under the House law, localities would have to adopt taxation, inspection and registration. Ms. Gamble feels that in the "Purpose" statement for the STR bylaw it should include "taxation" and less expensive homes should be available for people who live in town.

Christian Deckert-Mr. Deckert feels that STR's should be permitted to operate year-round, which would financially benefit the town. This, too, would provide diversity for travelers, rather than to have as the only options inns and hotels.

Mark Manoli-Mr. Manoli stated that with just the sale and purchase of a residence that is a commercial endeavor. He said that homes and rooms have been rented for many years and that many travelers want to have a home experience where they can cook and have their families and pets join them. He believes that limiting to 60 days isn't right, pointing out that the summer extends beyond that. He said that this bylaw is overregulated and an infringement of property ownership.

Mary Jane White-Ms. White is a resident of Stockbridge and a business owner in Lenox and her concern is the lack of availability of affordable housing for members of the Boston Symphony Orchestra and wants the Board to consider that.

Buzz Gray-Mr. Gray has rented for a number of years to the Boston Symphony Orchestra, and bought his home with the idea of renting out for income. He said that he doesn't see a difference in having family come for visits and for renting out for a short time. He feels that a burden is being placed on property owners by limiting the number of days and questioned how that limit was concluded. PK responded that it was a compromise reached during 3 public information sessions, 21 sub-committee meetings and reaching out to the community.

After public comment, the Board continued to amend the draft.

DR said that she believed that STRs should be allowed by right in the R1 and R3 zones.

KS made a motion to approve of the bylaw as amended and proposed and submit as a warrant article to Town Meeting. TD seconded the motion and the Board voted 4-1. DR opposed.

A brief discussion ensued about the speed with which this bylaw was being finalized for May Town Meeting, compared to the schedule we had been on. TD, KMV and DR in particular were concerned about this issue including about the limited time remaining to explain the bylaw to voters.

The meeting was adjourned at 8:30 PM.

Respectfully submitted,  
Peggy Ammendola