

Town of Lenox  
Planning Board  
Lenox Town Hall  
September 10, 2019

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

**Absent with Notification:** Kameron Spaulding (KS)

**Others present:** various citizens

**List of documents provided for this meeting:**

- July 30, 2019, August 13, 2019 & August 27, 2019 minutes for approval
- Correspondence from Joseph Fish
- Article from September 2, 2019 Wall Street Journal (The Airbnb Hotel Next Door)
- September 8, 2019 Berkshire Eagle article on Short Term Rentals.
- STR draft bylaw; TD edited version draft
- Demolition Delay draft bylaw and FAQ
- Town of Lenox Sign Bylaw – Status Update

PK opened the meeting at 6:03pm. The meeting was recorded by the Planning Board and portions of it by Clarence Fanto, Berkshire Eagle.

**1. Approve minutes for July 30, Aug. 13 and Aug. 27, 2019**

- PK moves to approve July 30, 2019 meeting minutes as amended. TD seconds. Passed (3-0).
- TD moves to approve August 13, 2019 minutes. KMV second. Passed (2-0) with abstention from PK as she was not at the meeting.
- TD moves to approve August 27, 2019 meeting minutes as amended. KMV seconds. Passed (3-0).
- JH arrived after the minutes were approved.

**2. Acknowledge recent correspondence**

- PK noted recent correspondence via an email from Joseph Fish with suggestions for the bylaw.
- PK noted correspondence from Susan Foulds including an article from the Wall Street Journal. The Land Use department acquired copyright permission to distribute the article to the Board.
- KMV distributed an article from the Berkshire Eagle, published on Sunday, September 8, 2019 in regards to Short Term Rentals.
- PK noted that Kameron Spaulding emailed her that he needed to recuse himself for the STR discussions. Kameron also acknowledged and apologized for missing Planning Board meeting throughout the summer due to personal issues.

**3. Short-Term Rentals**

**a) Finalize details of language of bylaw and amend and vote to hold Public Hearing on Oct. 8, 2019**

**b) Review timeline to Town Meeting**

**c) Discuss communications**

- The Board reviewed the draft bylaw and discussed moving the Public Hearing to October 8<sup>th</sup> at 6pm.
- TD and JH went in front of the Board of Selectmen (BOS) on September 11<sup>th</sup> to present and explain the STR zoning bylaw. The BOS all thought the bylaw was great and are ready to back it 100%. TD asked the BOS, as additional teeth to the STR zoning bylaw, to finalize and if possible bring to STM a registration bylaw and noise ordinance. Town Manager, Chris Ketchen (CK) spoke to the fact that he and Land Use Assistant have started drafting a registration general bylaw for STRs. The BOS doesn't believe they have enough time to bring a noise ordinance to STM.
- JH also presented in front of the BOS and the questions that arose regarding the noise ordinance were how it is measured, who measures and how is it enforced.
- PK and KMV reviewed the bylaw with a fine toothed comb to change only things that were in the purview of the Board to change. PK explained to the Board changes that she and KMV made to the bylaw per the last meeting to do list.
- TD provided an edited version of the bylaw to the Board with suggested changes.
- The Board worked through finalizing verbiage within the bylaw including definitions, schedule of uses, requirements and order.
- Board discussed section within the bylaw in regarding an individual owning more than one property and Short Term renting those properties at the same time. KMV believes that if you own more than one property as a Short Term rental within the Town that you can only rent one at a time. The Board decided not to include this in the bylaw.
- Ted Silverman asked if the next Planning Board meeting will have any discussion on STRs. The Board replied that there will not be discussion at the next meeting.
- The PB agreed to finalize the text of the STR bylaw and also agreed to finalize the text of the "housekeeping" changes that need to be made to insert this bylaw properly into the Lenox Zoning Bylaws and entrusted PK and KMV to make the changes.

**4. Update from citizens working on Sign Bylaw**

- Ariel Smith, Mark Smith, and Jim Biancola discussed ongoing work to the Sign Bylaw that they are working on. Mark would like to get on the Board agenda after the STM for a couple meetings and work through the bylaw.
- JH asked what the goal of this bylaw. Mark Smith stated the goal is to make a sign bylaw that the Building Department can enforce and allows for more "by right" signage with clearer standards.
- Ariel stated that a lot of the signs that are currently utilized in the town are not allowed so the new sign bylaw would allow those signs.
- The citizens shared a document with the Board of updates since the last time the Board met on the sign bylaw.
- Mark Smith asked the Board if there is a possibility to get this new Sign Bylaw on the Annual Town Meeting warrant? KMV stated that the Board needs to see the updates and progress on the bylaw.

**5. Update on proposed Demolition Delay General Bylaw**

- Lucy Kennedy (LK) provided the most recent draft of the Demolition Delay Bylaw.

- LK explained who is affected and how long the delay will take and what an owner can do during the delay.
- Through research, LK determined that there are 154 towns in MA that have a demolition delay and that a demolition delay bylaw is infrequently used but a good tool to slow demolition.
- The historical commission is going to present this bylaw at the Annual Town Meeting.
- LK explained the delay is 12 months. The historical commission started at 18 months but did not receive positive feedback. The bylaw includes demolition of a roof, wall or 25% of the exterior square footage.
- JH asked LK what is historically significant to a building within this bylaw. Lucy responded that a significant person or event, a representative of a cultural period, architecturally significant in its own right, or it fits into the context of a neighborhood.
- The process of this bylaw will include if the Historical Commission determines historical significance of a building then there is a public meeting.
- LK explained the timeline for the demolition delay.
- JH explained that he makes his living with architectural preservation and deals with landmarks a lot and these regulations get soft sold to the public and then the public is stuck with them and the ramifications aren't understood. JH is trying to understand what percentage of projects within Lenox may have been affected over that past few years.
- The Board asked for explanations to certain aspects of the proposed demolition bylaw in which Lucy responded and took feedback from the Board to make necessary updates to the bylaw. LK was very appreciated of the feedback.
- LK explained the public meeting which is September 19, 2019 to answer questions and review the bylaw also town counsel is reviewing the bylaw. LK stated that this bylaw will be on the Special Town Meeting in November.

**Meeting closed @ 8:42pm JH motioned and TD seconded. Passed unanimously 4-0.**