

## Planning Board Minutes, 04112017

### Town of Lenox

### Planning Board

### Minutes

April 11, 2017

**Members in attendance:** Chairman Kameron Spaulding (KS), Pam Kueber (PK), Deborah Rimmner (DR), Tom Delasco (TD), Kate McNulty-Vaughan (KMV), BoS Liaison Ken Fowler (KF)

**Staff present:** Gwen Miller, Land Use Director/Town Planner (GM)

**Members of the public:** Jason Berger, Jan and Tom Durfee

### Public Hearing for Proposed Zoning Bylaw Amendments

KS walked the Planning Board and residents through the proposed Zoning Bylaw changes, summarizing the intent and scope of the proposed amendments. These amendments included:

- Amendments to the Lenox Dale zoning district boundaries;
- Clarifying language and making Zoning Bylaw sections consistent among each other;
- Removing regulations from Definitions and placing them in pertinent sections or creating new sections of regulations;
- Removing minimum parking and loading requirements from Section 7.1 of the Zoning Bylaw;
- Removing footnotes from the Table of Dimensional Requirements and creating a special section for these regulations;
- Clarifying the number of feet and stories a building may be in special districts as regulated in the Table of Dimensional Requirements

In regards to the parking bylaw amendment, Mr. Berger cited concern with allowing new restaurants to open without providing additional parking. He explained Lenox faces a lack of available parking spaces near his existing restaurants in the summer, and that he and his staff must deal with non-customers using their restaurant parking. He expressed strong concern that by removing parking requirements for restaurants and other places of assembly, the Town would be placing the burden of accommodating even more parking and undertaking parking enforcement on individual business owners who currently own and operate parking areas that are supposed to be for their business use only.

The Planning Board discussed this subject at length both with Mr. Berger and among themselves. DR felt that it would be imprudent to change the proposed amendment in reaction to one voice from the business community, especially as the one stakeholder had a vested interest in protecting his existing businesses from new, competing businesses. KS disputed parking being a problem or challenge. TD, PK and KMV felt that Mr. Berger had identified a true challenge with the proposed amendment and felt that it would be reasonable if restaurants and other places of general assembly were excluded from the proposed exemption; they noted that with a high number of new hotel rooms opening, there may be more visitors to the village center, further increasing pressure on the existing parking resources there.

The Planning Board voted 3-2 to revise the proposed amendment to exclude restaurants and other places of public assembly from the Commercial "C" parking and loading requirement exemption. DR and KS voted no; KMV, PK and TD voted to approve the amendment, and it carried.

The Durfees were present, and indicated they were supportive of the proposed boundary changes to the zoning districts in Lenox Dale.

### Zoning for Medical and /or Recreational Marijuana

KS explained to the Board that a medicinal marijuana business was interested in locating an Registered Marijuana Dispensary (RMD) in Lenox. He said that it would help them and the town if the Zoning Bylaw had clear guidelines about where the RMD could be sited. He noted the state has many regulations for RMDs, and that the locality can only regulate specific aspects of an RMD—location, hours of operation, and landscaping.

KS had prepared a draft bylaw and shared it with the Board, and the Board discussed its details. Initially, the proposed bylaw allowed for an RMD only in the C-1, C-3 and I districts. PK proposed adding the C district in order to accommodate citizens who lived in dense village areas and might want to walk to the RMD. After further discussion, the Board added the C district as well.

In addition to the RMD bylaw regulations, KS shared a proposed zoning moratorium for recreational marijuana sales. He noted the state had voted to approve recreational cultivation and sales in the November 2016 ballot, and the state is now refining the regulations. A recreational moratorium would allow the Planning Board time to consider where they'd like to allow the sale of recreational marijuana products. The Board agreed to move forward with both proposals and hold a Public Hearing on April 25<sup>th</sup> at 6p.m. to accept public comments and answer questions.

