

Commonwealth of Massachusetts

BERKSHIRE, SS.

To One of the Constables of the Town of Lenox:

GREETING:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Lenox qualified to vote in town affairs, to meet for the annual election at the

**Lenox Town Hall, located at 6 Walker Street, in
said Lenox, on Monday, May 6, 2019
starting at 7:00 o'clock a.m., then and there to act upon the
following Article 21, and also to meet for the Annual Town
Meeting in the
Lenox Memorial Middle High School, located at 197 East Street, in
said Lenox, on Thursday, May 2, 2019
at 7:00 o'clock p.m., then and there to act upon the following
articles, except Article 21, by posting an attested copy of this
Warrant therefor in three public places in the Town not less than
seven days before the 2nd day of May next.**

**The polls for voting on the ballot on Monday, May 6, 2019 will be
open at 7:00am and will be closed at 7:00pm.**

- ARTICLE 1.** To authorize the Selectmen to choose all Minor Town Officers to wit: Field Drivers, Pound Keepers, Fence Viewers, Surveyors of Lumber, Wood and Bark, Sextons and Sealer of Weights and Measures.
- ARTICLE 2.** To see if the Town will vote to appropriate a sum not to exceed \$50,000 for snow and ice removal costs, said sum to be transferred from available funds and added to the amount appropriated to the Snow and Ice line item under Article 2 of the Warrant for the 2018 Annual Town Meeting; or take any other action in relation thereto.

**APPROVED BY BOARD OF SELECTMEN
APPROVED BY FINANCE COMMITTEE**

ARTICLE 3.

To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury, money for the operating expenses of the Town for Fiscal Year 2020 as follows, or any other sum; or take any other action in relation thereto.

DEPARTMENT ACCOUNT	FY 19	FY 20
	<u>JULY 1, 2018 - JUNE 30, 2019</u>	<u>JULY 1, 2019 - JUNE 30, 2020</u>
1. Admin. & Finance	243,727	247,081
2. Town Clerk	147,363	69,689
3. Town Treasurer/Collector	85,261	129,380
4. Compensation Reserve	70,000	93,000
5. Operations Support	96,200	96,468
6. Elections & Registration	8,870	13,420
7. Economic Dev/Advertising	90,000	*90,000
8. Town Debt & Interest	290,000	13,000
9. Audit, Reserve Account	628,718	655,816
10. Insurance & Bonds, OPEB	1,076,641	1,033,770
11. Land Use Department	485,691	521,480
12. Town Buildings	108,097	117,227
General Government Subtotal	3,330,568	3,080,331
13. Police Department	1,138,874	1,182,006
14. Fire Department	531,030	538,519
15. Emergency Management	30,201	30,958
16. Ambulance Squad	400,049	410,040
Public Safety Subtotal	2,100,154	2,161,523
17. Lenox Public Schools	12,917,715	13,399,103
18. Vocational Education	85,000	87,550
Education Subtotal	13,002,715	13,486,653
19. Highway Department	604,264	613,063
20. Snow & Ice	257,005	257,005
21. Cemetery	111,409	112,708
Public Works Subtotal	972,678	982,776
22. Board of Health	181,578	188,079
23. Veterans Services	70,113	70,113
Human Services Subtotal	251,691	258,192
24. Community Center	373,766	381,046
25. Cultural Council Grants	0	4,500
26. Academy Building	7,824	7,824
27. Historical Commission	10,950	10,950
28. Celebrations	2,200	2,200
Cultural & Recreation Subtotal	394,740	406,520
29. Lenox Library	341,251	415,004
Lenox Library Subtotal	341,251	415,004
Totals	\$20,393,797	\$20,790,999

APPROVED BY BOARD OF SELECTMEN
 APPROVED BY SCHOOL COMMITTEE (Line #17)
 * ALL ITEMS APPROVED BY FINANCE COMMITTEE
 (COMMITTEE BELIEVES AN INCREASE IN LINE #7 WOULD ENHANCE TAX
 REVENUE)

ARTICLE 4. To see if the Town will vote to make the following appropriations, or any other sum, to fund the Fiscal Year 2020 budget for the Water Department;

1. Water Operations	\$635,219
2. Debt Service	\$717,525
3. Capital Expenditures	<u>\$130,000</u>
	\$1,482,744

And further, to provide for said appropriations from the following sources of revenue and available funds; or take any other action in relation thereto.

User Charges	\$1,352,744
Retained Earnings	<u>\$ 130,000</u>
TOTAL	\$1,482,744

APPROVED BY BOARD OF SELECTMEN
APPROVED BY FINANCE COMMITTEE

ARTICLE 5. To see if the Town will vote to make the following appropriations, or any other sum, to fund the Fiscal Year 2020 budget for the Sewer Department;

1. Sewer Operations	\$855,727
2. Debt Service	\$765,619
3. Capital Expenditures	<u>\$480,000</u>
	\$2,101,346

And further, to provide for said appropriations from the following sources of revenue and available funds; or take any other action in relation thereto.

User Charges	\$1,631,585
Retained Earnings	<u>\$ 469,761</u>
TOTAL	\$2,101,346

APPROVED BY BOARD OF SELECTMEN
APPROVED BY FINANCE COMMITTEE

ARTICLE 6. To see if the Town will vote to raise and appropriate or otherwise provide, the sum of \$1,214,500, or any other sum, for the following capital expenditures:

1. Highway Department Expenditures	\$ 605,000
2. School Department Expenditures	\$ 370,200
3. Fire Department Expenditures	\$ 25,000

4. Police Department Expenditures	\$ 3,500
5. Town Buildings/Equipment Expenditures	\$ 160,000
6. Community Center Expenditures	\$ 40,800
7. Land Use Expenditures	\$ 10,000

And further, to provide for said appropriations, to transfer from Free Cash as certified on July 1, 2018, the sum of \$1,060,080; or take any other action in relation thereto.

APPROVED BY BOARD OF SELECTMEN
APPROVED BY FINANCE COMMITTEE

ARTICLE 7. To see if the Town will vote to accept funds being provided by the Commonwealth of Massachusetts under the provisions of Chapter 90 of the General Laws, to pay for such costs as allowed by appropriate legislation in connection with the maintenance, repair, and construction of Town ways and bridges; or take any other action in relation thereto.

ARTICLE 8. To see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues in the amounts recommended by the Community Preservation Committee for project debt service in fiscal year 2020, with each item to be considered a separate appropriation; or take any other action in relation thereto.

Library Debt Service	\$124,000	(General Unreserved)
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SPONSORED BY COMMUNITY
PRESERVATION COMMITTEE

ARTICLE 9. To see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in fiscal year 2020, with each item to be considered a separate appropriation; or take any other action in relation thereto.

Appropriations:

FY 2020 estimated revenues for Administrative Expense	\$ 18,750
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Reserves:

FY 2020 estimated revenues for Historic Resources Reserve	\$ 37,500
FY 2020 estimated revenues for Community Housing Reserve	\$ 37,500

FY 2020 estimated revenues for Open Space Reserve	\$ 37,500
FY 2020 estimated revenues for General Unreserved	<u>\$262,500</u>
Total	\$375,000

Estimated new surcharge collections for FY 2020	\$300,000
Estimated State Match for FY 2020	<u>\$ 75,000</u>
Total	\$375,000

**SPONSORED BY COMMUNITY
PRESERVATION COMMITTEE**

ARTICLE 10. To see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses and community preservation projects and other expenses in fiscal year 2020, with each item to be considered a separate appropriation; or take any other action in relation thereto.

Frelinghuysen Morris House	\$25,000	(Historic Preservation)
BNRC North Yokun Ridge Trail	\$50,000	(Open Space/Rec, Undesignated)
MA Audubon Barn Improve.	\$300,000	(Undesignated)

**SPONSORED BY COMMUNITY
PRESERVATION COMMITTEE**

ARTICLE 11. To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of \$175,000 for the Fire Engine Stabilization Fund; or take any other action in relation thereto.

**APPROVED BY BOARD OF SELECTMEN
APPROVED BY FINANCE COMMITTEE**

ARTICLE 12. To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of \$50,000 to the Special Education Reserve Fund; or take any other action in relation thereto.

**APPROVED BY BOARD OF SELECTMEN
APPROVED BY FINANCE COMMITTEE
APPROVED BY SCHOOL COMMITTEE**

ARTICLE 13.

To see if the Town will vote to transfer the care, custody and control of a parcel of land, being a portion of certain property, commonly known as Kennedy Park, located on Main Street, being Assessor's Map 21, Parcel 8, said parcel containing 1.546 acres, shown as Lot 1 on a plan entitled "Survey of Land in Lenox, Massachusetts Prepared for John Fontaine," dated February 26, 2019, said plan on file with the Town Clerk, from the board or commission having care and custody of said parcel, currently held for park, conservation and open space purposes to the Board of Selectmen for general municipal purposes and for the purpose of conveyance, and authorize the Board of Selectmen to convey said parcel on such terms and conditions, and for such consideration, as the Board of Selectmen deems appropriate and to authorize the Board of Selectmen to submit a petition to the General Court for a special act authorizing the transfer of said parcel under Article 97 of the Amendments to the Massachusetts Constitution; and, further, to satisfy the Executive Office of Energy and Environmental Affairs' "no net loss policy," to acquire and dedicate a parcel of land, being a portion of certain property, located at 66 Hubbard Street, being Assessor's Map 47, Parcel 1, said parcel shown on a plan entitled "Plan of Land Prepared for John G. Paladino and Emily Rechnitz, Hubbard Street, Lenox MA," dated March 10, 2019, said plan on file with the Town Clerk, for conservation and open space purposes, to be held by the Conservation Commission, pursuant to G.L. c. 40, §8C, and/or such other parcel or parcels of land dedicated by the Board of Selectmen in its discretion, and dedicate said property to conservation and open space purposes in perpetuity, with the foregoing dedication of the land located at 66 Hubbard Street and/or the parcels dedicated by the Board of Selectmen to become effective upon the enactment of the Article 97 legislation; or take any other action in relation thereto. (2/3 vote)

ARTICLE 14.

To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, from John G. Paladino and Emily Rechnitz, or the current owner, a certain parcel of land, containing twenty-five acres, more or less, said parcel shown on a plan entitled "Plan of Land Prepared for John G. Paladino and Emily Rechnitz, Hubbard Street, Lenox MA," dated March 10, 2019 and prepared by Foresight Land Services, on file with the Town Clerk, said land being a portion of property at 66 Hubbard Street, described in a deed recorded with the Berkshire Middle District Registry of Deeds in Book 3706, Page 95, being Tax

Map 47-1-0, said property being acquired for the purpose of park, conservation and open space and also as mitigation for the conveyance by the Town of a parcel containing 1.546 acres, as shown on a plan entitled "Survey of Land in Lenox, Massachusetts Prepared for John Fontaine," dated February 26, 2019; and to authorize the Board of Selectmen to take such actions and execute such documents as are deemed necessary to acquire said property, upon such terms and conditions as the Board of Selectmen deems appropriate; or take any other action in relation thereto.

ARTICLE 15.

To see if the Town will vote to authorize the Board of Selectmen to convey, for no monetary consideration, a parcel of land known as the Sawmill Brook Property, or Map 45, Parcel 1 on the Lenox Assessors Map, to the Berkshire Housing Development Corporation and its partner the Community Development Corporation of Southern Berkshire, for the purpose of constructing affordable rental housing subject to the conditions of a Developer Designation Agreement, to be negotiated and executed between the Town of Lenox and the Berkshire Housing Development Corporation and its partner the Community Development Corporation of Southern Berkshire, pursuant to a proposal submitted by the Berkshire Housing Development Corporation and its partner the Community Development Corporation of Southern Berkshire dated February 5, 2019, a copy of which is on file in the Town Clerk's Office, and available for public inspection; or take any other action in relation thereto. (2/3 vote)

ARTICLE 16.

To see if the Town will vote to amend the Lenox Zoning Bylaw so as to allow for the location of adult marijuana businesses along the Route 7/20 Corridor and in Lenox Dale subject to a Special Permit from the Zoning Board of Appeals, place a limit on the number of marijuana retail establishments allowed in Lenox, and locate all marijuana uses into one section of Section 5.2, "Schedule of Uses" in the Lenox Zoning Bylaw by deleting the existing Section 8.13, "Temporary Moratorium on the Sale and Distribution of Recreational Marijuana", and replacing it with a new Section 8.13, "Adult Use of Marijuana" as on file in the Office of the Town Clerk; or take any other action in relation thereto. (2/3 vote)

APPROVED BY PLANNING BOARD

ARTICLE 17. To see if the Town will vote to accept a local option tax on marijuana retail sales; or take any other action in relation thereto.

ARTICLE 18. to PROHIBIT within the Town of Lenox, MA the operation of all Recreational Marijuana Businesses including Marijuana Cultivators, Craft Cooperatives, Manufacturers, Retailers, Research Facilities, Testing Laboratories, Transporters, Micro- Businesses, and any other type of licensed marijuana related business.

The PROHIBITION SHALL NOT APPLY to MEDICAL MARIJUANA Businesses. (2/3 vote if adopted as zoning by-law)

CITIZEN PETITION

ARTICLE 19. Registration of Short-Term Rentals

1. Initial Registration Requirement

Registrants for Short-Term Rental uses ("Short-Term Rentals") must provide a completed registration application to the Town Clerk of Lenox no later than October 1, 2019. If the related Short-Term Rental zoning bylaw is not in effect, Short-Term Registration is not required for any period.

2. Initial Registration

Upon receipt of applicable zoning and building permits, the Town Clerk shall issue a registration number and certificate.

- a) The registration shall include the name, address, telephone number(s), and email of the registrant.
- b) The registrant shall pay a \$100 initial registration fee.
- c) The registration number shall be displayed at all times in online listings, or any other form of listing, and at the Short-Term Rental property.

3. Annual Renewal

a) Annual registration of \$100 with the Town Clerk is required, beginning on the anniversary date (the "registration date") of the Initial Registration, with a grace period of up to 60 days following the annual registration date.

b) Failure to file will not preclude the registrant from renewing the registration, but will result in a late filing penalty fee of, at most, \$50 per month of non-filing and non-payment following the original due date of such Annual Renewal.

c) Failure to file following a period of 12 months after the initial registration period shall result in revocation of the Short-Term Rental property status.

4. Voluntary Revocation of Short-Term Rental Registration and Certificate
A Short-Term Rental registrant may revoke his rental registration and certificate at any time by notifying the Town Clerk. Such revocation will halt the accrual of additional registration or late fees due to the Town of Lenox.

4. Fees

The Select Board or its designee may set and periodically revise a schedule of fees for registration.

5. Effective Date

This Bylaw shall take effect as of approval by the Attorney General, but not before the effective date of October 1, 2019. If the related Short-Term Rental zoning bylaw is not in effect, Short-Term Registration is not required for any period under this bylaw.

CITIZEN PETITION

**ARTICLE 20. Short-Term Rentals Zoning Bylaw for
Inclusion in Lenox Zoning Bylaw**

PURPOSES

The provisions of this bylaw section shall clarify the limits and uses of residential housing for Short-Term Rentals in Lenox:

- To minimize public safety risks for guests, visitors and abutters;
- To minimize nuisance for abutters;
- To sustain the supply and affordability of residential housing available to community families and individuals who live and work in the region;
- To sustain the value of Lenox residential real estate now and in the future;
- To protect Lenox occupancy tax revenues resulting from short-term rentals;
- and
- To minimize administrative burdens and costs on Town of Lenox administrative departments and volunteer boards.

GENERAL REQUIREMENTS FOR ALL SHORT-TERM RENTALS

- All Short-Term Rental properties in residential zoning districts must meet requirements for off-street parking (whether paved or unpaved).
- No Short-Term Rental properties may post promotional signs on their properties showing the status of such properties as Short-Term Rentals.
- Except for a Short-Term Rental occupation that complies with this Bylaw, no special events accessory to the Short-Term Rental may be held at the Short-Term Rental.
- All Short-Term Rental property owners or leaseholders shall ensure that renters obey all enacted noise, parking, light, and odor bylaws.

**EXCLUSION FROM SHORT-TERM RENTAL TREATMENT FOR CERTAIN
INVESTMENT RENTAL PROPERTIES**

- The provisions of this bylaw section apply to Primary and Secondary Dwelling units.
- The provisions of this bylaw do not apply to Investment Rental Properties.

SHORT-TERM RENTALS OF ENTIRE DWELLING UNITS

	R3A	R1A	R30	R15	C3A	C1A	C	I	References
Short-Term Rental of Entire Dwelling Units	Y	Y	Y	Y	Y	Y	Y	Y	9. X-Y
Short-Term Rental of Accessory Dwelling Units	Y	Y	Y	Y	Y	Y	Y	Y	9.2

TABLE OF USES:

Y=By-Right

REQUIREMENTS FOR ALLOWED LENOX SHORT-TERM RENTALS OF ENTIRE DWELLING UNITS AND ANY OTHER DWELLING UNITS ON PROPERTY (INCLUDING ACCESSORY DWELLING UNITS)

1. Short-Term Rentals of Primary or Secondary Dwelling Units shall be allowed at any time during the year, but only for a maximum of 180 short-term rental days during each calendar year.
2. The address of the Short-Term Dwelling Unit shall be the same as the property street address of the Primary or Secondary Dwelling Unit of the owner if located on the legal parcel at such Primary or Secondary Dwelling Unit address.

SHORT-TERM RENTALS OF ROOMS WITHIN DWELLING UNITS

	R3A	R1A	R30	R15	C3A	C1A	C	I	References
Short-Term Rental of Rooms	Y	Y	Y	Y	Y	Y	Y	Y	9. X-Y

TABLE OF USES:

Y=By-Right

REQUIREMENTS FOR SHORT-TERM RENTALS OF ROOMS WITHIN DWELLING UNITS

1. Rentals of up to two bedrooms shall be allowed year-round.
2. The dwelling containing the Short-Term Rental rooms shall be the Primary Dwelling Unit of the owner.

DEFINITIONS

-Dwelling Unit: A dwelling unit providing complete, independent living facilities for one (1) or more persons including permanent provision for living, sleeping, cooking, and sanitation. Dwelling Units for this purpose include all

legal dwelling units including Accessory Dwelling Units (all as determined by state law and/ or pre-existing Lenox zoning bylaws) on a valid Lenox property deed identified with a Lenox street address in a commercial or a residential district.

-Primary Dwelling Unit: A Dwelling Unit used by at least one owner of such property as a primary dwelling for either such owner during the period of ownership in any commercial or residential district. Primary Dwelling Unit status is evidenced by voter registration, state tax forms, homestead exemptions, or other documentation.

-Secondary Dwelling Unit: A Dwelling Unit used occasionally by owners of such property as a secondary dwelling (not a Primary Dwelling Unit) for the owner during the period of ownership in any commercial or residential district.

Secondary Dwelling Units include Dwelling Units at the same street address as the Primary Dwelling Unit if such units are used by Primary Dwelling residents as required by this definition. Use of such Secondary Dwelling Unit represents use of the home by owners of such property as a Secondary Dwelling Unit if used during at least 30 consecutive or nonconsecutive days during the year.

-Investment Rental Property: A single Dwelling Unit not used by owners of such property as a Primary or Secondary Dwelling Unit, but solely and exclusively for Short-Term Rental purposes. Determination of the status as Investment Rental Property begins on the date of most recent sale of such property to the owner. Use of the property by the owner for purposes other than short-term rental for at least 30 consecutive or nonconsecutive days in the first full year of ownership establishes that the property is not Investment Rental Property.

-Long-Term Rental: A rental of all or part of a legal Dwelling Unit for any period of 30 consecutive days or more.

-Short-Term Rental: A rental of all or part of a Dwelling Unit that is used to provide overnight accommodations for any rental period of fewer than 30 consecutive days, subject to any de minimis days exceptions from taxation and regulation provided by State law. Short-Term Rentals exclude Investment Rental Properties. (2/3 vote)

CITIZEN PETITION

ARTICLE 21. To see if the Town will bring their votes for one or more members of each of the following Town Officers:

- 1 Moderator for one year
- 1 Selectman for three years
- 1 Board of Health Member for three years
- 1 Assessor for three years
- 2 School Committee Members for three years
- 1 Planning Board Member for five years

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk or the Selectmen, at the time and place of said meeting.

Given under our hand the 10th day of April in the year of Our Lord Two
Thousand and Nineteen.

Signed

A true copy, ATTEST:

Constable of Lenox.











Selectmen of Lenox